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NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with the understanding reached at the (resumed) 4092nd meeting of the Security Council, held on 26 January 2000 on the item entitled "The situation concerning the Democratic Republic of the Congo", the statements of the representatives of Brazil, Cape Verde, Colombia, Egypt, Israel, Japan, Lesotho, Norway, the United Republic of Tanzania and the United States of America and the Permanent Observer for the International Organization of la Francophonie to the United Nations are reproduced in the annexes to the present note.

The President of the Security Council wishes to express his gratitude to the above-mentioned delegations for their understanding and cooperation.

Annex I

[Original: English]

Brazil: statement by Gelson Fonseca, Jr., Permanent Representative

Let me first commend you, Mr. President, on dedicating this entire week of activities of the Security Council to the situation on the Democratic Republic of the Congo. This is a timely initiative and yet another clear sign of the resolve and determination of the United States Presidency in the Security Council to come to grips with the critical situation in the Democratic Republic of the Congo, one which has been described as Africa's First World War and represents today the most difficult challenge to the Security Council in facing up to its Charter responsibilities.

We welcome the presence here today of the African leaders of the region. This meeting is an example of the Security Council at its best. It is a remarkable effort to put the Lusaka peace process back on track.

Brazil has always called for an active and direct involvement of the Security Council in peacemaking efforts. As Secretary-General Kofi Annan has reminded us time and again peace cannot be imposed on parties that do not want it. But it is no less true that where a peace process is needed it is the role of the United Nations to help create one; and where obstacles obstruct further progress it is our role to help remove them.

It is our genuine hope that this week's discussions will make strides in removing the main obstacles still facing the peace process.

Brazil favours a robust presence of the United Nations in the Democratic Republic of the Congo in support of the implementation of the Lusaka Agreement and we support the three-phase approach outlined by the Secretary-General.

The situation in the Democratic Republic of the Congo is an important test for the Organization. If the Security Council fails in the Democratic Republic of the Congo, its authority and credibility will be seriously damaged.

We understand nevertheless the dilemma faced by the Council.

We must deal with the problem in the Democratic Republic of the Congo with a sharp sense of realism. And it is true that, despite the efforts made by the leaders in the region, there are repeated violations of the Ceasefire Agreement, most of its provisions are not fully respected and ideal conditions are not yet in place for the safe deployment of an enlarged United Nations operation.

But this is no reason for the Council to rest immobilized. And we are reassured that this meeting is proof enough that the Council is not.

But as I had the opportunity to point out last December in our debate in the Council, in certain political situations, when two sides are presenting contradictory arguments, both can be right.

The urgent matter for the Council is to show concrete evidence of its commitment not to let the Lusaka Agreement derail for lack of earnestly needed international support.

In this respect there is an urgent need of adequate financial resources to support the internal mechanisms established by the Lusaka Agreement, namely the Political Committee and the Joint Military Commission.

But beyond that, we must recognize that the call so eloquently presented for an enlarged presence of the United Nations is not an artificial one. It can serve as a firm deterrent to further violations of the ceasefire and it can provide a solid foundation for the peace process to bear fruits.

We therefore support the call made in the last report by the Secretary-General that the Security Council proceed with the authorization of an enlarged presence of the United Nations in the region.

Not only the concept of operations and military tasks outlined in the report seem appropriate to the circumstances and the magnitude of the challenges, but also the preconditions set out in paragraph 60 of the report are clear enough and must be respected by all parties concerned. The signatories of the Lusaka Agreement bear a crucial responsibility in ensuring its implementation.

This enlarged presence should be followed in due course by a United Nations peacekeeping operation under Chapter VII.

Like the Secretary-General we view this meeting as a unique opportunity for the leaders of the countries concerned to demonstrate their commitment to the Agreement and ultimately to peace and stability in the entire Central African region.

The supportive steps taken by the international community need to be matched by a responsive attitude on the part of the warring factions.

It is indeed vital to create the political conditions for a lasting peace in the region.

Brazil firmly believes that this should be based on the principles of territorial integrity, non-interference in the internal affairs of States, security of national borders, and genuine international cooperation for the promotion of social and economic development and for the removal of the root causes of conflict.

International support will also have to be matched by internal peace in the Democratic Republic of the Congo. We were encouraged by the designation of Sir Ketumile Masire, former President of Botswana, as the neutral facilitator to conduct the inter-Congolese national dialogue. The establishment and

consolidation of a truly representative democracy in the Democratic Republic of the Congo is a precondition for lasting peace in the country.

Let me also reiterate our firm support to the continuous efforts deployed by the Secretary-General and our deep appreciation for the work of the United Nations Organization Mission in the Democratic Republic of the Congo under the leadership of the Special Representative Kamel Morjane.

Brazil's solidarity with Africa takes root on multiple linkages forged through centuries of a common history. The Brazilian people are genuinely concerned with the plight of the continent and are always willing to contribute their share of cooperation to help Africa overcome its compelling problems.

Annex II

[Original: French]

Cape Verde: statement by José Luis Monteiro, Permanent Representative

The work segment the Security Council has started on today is not simply just another one. It is devoted to an issue of extraordinary importance and gravity for African, and hence international, peace and security.

The conflict taking place in the Democratic Republic of the Congo has revealed regional roots and developed regional ramifications which confer on it a complexity and an impact on the African continent that are unparalleled in the recent history of Africa.

We thank you and congratulate once again, Mr. President, on the initiative you have taken of promoting this burst of momentum that the present segment of meetings and consultations represents.

The fact that this initiative has won the support, and enjoys the presence at the highest level, of the parties involved and concerned confirms to us that it is both vital and timely.

The Lusaka Ceasefire Agreement meant that the parties opted for seeking a solution to their dispute other than through hostilities. The Agreement remains a fundamental instrument, and our job is now to give effect to its substance by implementing the plan of action it contains.

The institutions provided for in the Agreement, among them the Joint Military Commission and the Political Committee, are in place and functioning. More recently, in the person of former President Sir Ketumile Masire, the Facilitator of the National Political Dialogue has also assumed his duties.

Valuable time has nevertheless been lost, and meanwhile, the ceasefire has not always been fully respected on the ground. There is thus an urgent need for vigorous reactivation of the process in order to complete and consolidate it.

It is the expectation of the African Group that the United Nations, through the Security Council, will finally be able to decide on and authorize the deployment of the military observers and peacekeeping force whose absence has so far prevented it from providing the envisaged and necessary support for the consolidation of the ceasefire and the transition to more advanced phases of settlement of the conflict.

In this context, the Security Council wanted to hear, from the top African leaders participating in this meeting, a reaffirmation of their firm commitment to the Lusaka Agreement and of their readiness to do everything to ensure that it is more fully respected.

Yesterday, we heard that reaffirmation stated unanimously and forcefully. It is in our view clearly apparent that there is no doubt in the minds of the senior officials concerned of the need to implement the Agreement in full, and more immediately of the need for an effective ceasefire.

This moment, which some have described as a quasi-renaissance of the Lusaka Agreement, is moreover a sequel to meetings held in the past few days by the Joint Military Commission, the important Southern African Development Community (SADC) Summit and the Political Commission. Taken together, these exercises lend all the credibility that is currently possible, and respond to the Council's requirements for so facilitating its decision to deploy the military observers and the peace force without further delay.

Africa is unanimously convinced that this deployment constitutes a vital element in making the ceasefire permanent, and that it should not be regarded rather as a cement applied a posteriori. Moreover, recent experience in relation to other conflicts does indeed seem to confirm this perception.

But we remain concerned about this issue. The risks and operational requirements associated with the deployment must not go beyond what is reasonable, but seeking to eliminate these risks as a condition for the deployment might prove unrealistic, prolong the slowness of the action and keep the way open for losses of direction which would again compromise the success of the peace process. It is to be hoped that the resolution the Council is preparing for adoption reflects the appropriate determination in this regard.

Meanwhile, the important presidential statement just adopted provides a useful updating of the requirements for better implementation of the Lusaka Agreement, and is thus capable of strengthening the existing framework for cooperation among the parties, the United Nations and the Organization of African Unity with a view to the success of the peace process.

We also commend the statements that have been made of tangible support for the needs of the Joint Military Commission and the important activity of the Facilitator of the National Dialogue. It is to be hoped that these decisions by some members of the international community will encourage and stimulate others in the same direction.

Restoring peace, finding just and credible solutions to the problems in the region and re-establishing trust and cooperation there, these are the objectives which will follow the more immediate consolidation of the ceasefire. The Lusaka Agreement, moreover, already indicates this inevitable direction. For the conflict in the region is yet another, and a major, stumbling block on the road to the progress and development of Africa, one which its leaders have a duty to remove in the interests of the well-being of their peoples.

May your deliberations be crowned with success.

Annex III

[Original: Spanish]

Colombia: statement by Alfonso Valdivieso, Permanent Representative

Colombia is a country that is a friend of Africa. Furthermore, it is a member of the international community which longs to see peace prevail on that continent. These are our main reasons for participating in this debate and contributing our brief and constructive point of view to efforts to settle the conflict in the Democratic Republic of the Congo.

To put it briefly, we should like to see the unconditional implementation of the following general principles, which we wish to underscore:

1. The responsibility for achieving peace in the Democratic Republic of the Congo falls essentially upon the parties to the conflict. The work of the Security Council must be to support, not replace, the regional solution set forth in the Lusaka Agreement. The responsibility for administering the peace must also be essentially that of the parties, with the resolute support of the international community. Accordingly, it is important that the national dialogue among the Congolese people should begin immediately.

2. Expectations with regard to the role that can be played by the United Nations must be realistic. Previous peacekeeping situations have provided us with some lessons. Let us not make this another learning experience. Peace in the Democratic Republic of the Congo is a task for the entire international community. Failure also has an impact on everyone, to a greater or lesser degree. We support the deployment of the 500 military observers, as the Secretary-General has recommended.

3. The territorial integrity of the Democratic Republic of the Congo must be preserved and respected. Any solution that does not respect this principle will create future instability in the region. The statements on the territorial integrity of the Democratic Republic of the Congo made this week by the distinguished heads of State of the African countries most involved in the conflict and by other delegations participating in the debate are, in our view, encouraging.

4. A large number of persons affected by the conflict require urgent humanitarian attention. Accordingly, it is necessary to ensure that humanitarian personnel are able to move freely and have access to the population groups in need. Children should not be recruited in order to serve in the war. The norms of international humanitarian law must be respected.

5. It is more difficult to administer peace than to achieve it. A political settlement of the conflict in the Democratic Republic of the Congo will probably be achieved. But this is only the beginning of what is usually more difficult and complicated: administering the peace. We sincerely hope that the Security Council will maintain this longer-term perspective.

My delegation, Mr. President, wishes to congratulate you for the initiative that you have taken in organizing this open debate in the Council during the presidency of the United States of America. At the same time, we wish to reiterate our commitment of solidarity with Africa and with its leaders, who, at this time, are facing the challenge of resolving the greatest regional conflict of the post-colonial period.

Annex IV

[Original: Arabic]

Egypt: statement by Ahmed Aboul Gheit, Permanent Representative

My country's delegation listened with great interest and attention to the statements made yesterday by the leaders of the States parties to the Lusaka Agreement, just as we did to the statements of President Chiluba, former President Masire, Mr. Salim Ahmad Salim, Secretary-General of the Organization of African Unity, and the envoy of President Bouteflika. Since time is so short, allow me to touch briefly on a number of the points to which my delegation attaches particular importance, although I would hope that the full statement of Egypt's delegation will be incorporated in the official records of the Security Council.

1. The Lusaka Agreement represents by all accounts a major accomplishment whose importance can be belittled by none. Indeed, the Agreement continues at the present time to provide the comprehensive and unique political and military framework in which a peaceful and agreed settlement to the ongoing conflict in the Congo can be reached. While we acknowledge that the Agreement, signed as it was more than six months ago, has been violated on some occasions and that there have been delays with respect to compliance with the calendar annexed thereto, we nevertheless maintain our position that it is essential to enhance the role that must be assumed by the United Nations in order to promote its implementation before it is too late and before a historic opportunity to establish peace and stability in this region of the African continent is lost.

2. Egypt believes that the time has come to deploy the second stage of the United Nations military presence in the Congo by expanding the United Nations Observer Mission in the Democratic Republic of the Congo (MONUC) established by Security Council resolution 1279 (1999). I should like in this connection to stress that to wait until there are optimum security conditions before taking this step will serve no purpose because, like all other peacekeeping missions, the Congo operation will by its very nature and given the character of its location be fraught with dangers that cannot be avoided. That should not, however, be used to justify or excuse any failure to establish and dispatch the operation now, and I repeat the word "now". For its part, Egypt is fully prepared to participate in the peacekeeping operation immediately it is expanded, and we have already informed the Secretariat of the military observers Egypt can make available to the operation and are currently engaged in exploring the possibility of providing it with additional individuals and units.

3. The international community cannot contribute to promoting the implementation of the Ceasefire Agreement without seeking a lasting solution to the problem of the armed groups present in the eastern part of the country, and the United Nations cannot establish and dispatch a peacekeeping operation without preparing and implementing an extensive and comprehensive programme to disarm and demobilize the members of these groups and reintegrate them into civilian life. We hope that the Joint Military Commission, in cooperation and

coordination with the United Nations, will be able to complete the elaboration of a clear and detailed scenario for proceeding with the implementation of this part of the Ceasefire Agreement in the near future.

4. The efforts of the international community to achieve lasting peace in the region cannot achieve success without addressing and remedying the intricate root causes of the problems that beset the Congo and its neighbours in all their ethnic, social, economic and humanitarian dimensions. We therefore support the initiative of the Government of France for the convening of an international conference on peace, security and development in the Great Lakes region under the joint auspices of the United Nations and the Organization of African Unity as soon as political and security conditions permit.

Annex V

[Original: French]

Israel: statement by Yehuda Lancry, Permanent Representative

First of all, and like the many speakers who have followed one another during this major discussion, I should like to express to you my full respect for your exceptional initiative.

Under your presidency of the Security Council, the African continent finds itself at the heart of the international debate, the subject of an intensive and wide-ranging dialogue taking place on a brightly lit stage with a level of speakers, partners and actors, in this particular case, that has rarely been equalled.

In so doing, Mr. President, you are responding not only to a priority urgent need of the United Nations agenda, but also to an undisputable imperative of justice that underlies your personal contribution, as remarkable as it is inspired, as well as that of your country, the United States of America, to peace and stability in a number of regions of the world.

There is undoubtedly in this wide-ranging consultation of the Security Council on Africa a widespread awareness of the acuteness and seriousness of the problems facing that continent. While the consultation cannot of itself alone replace the direct partners in peace and the actors on whom the future of Africa rest, it can nevertheless serve as an amplifier of Africa's creative energies directed towards peaceful coexistence and economic and social development.

For, it must be emphasized, these creative energies are indeed to be found on African soil. They are embodied, inter alia, in African organizations such as the Organization of African Unity, the Economic Community of West African States and the Southern African Development Community, all of them structures whose commitment to the maintenance of peace, conflict resolution and collective development remains extremely valuable.

Conclusive proof of this is to be found in the efforts of OAU to calm one of the African hotbeds of tension with multiple repercussions that is afflicting the Democratic Republic of the Congo and some of its immediate neighbours. The decision of OAU to appoint the former President of Botswana, Ketumile Masire, as Facilitator in the Democratic Republic of the Congo, as well as the successive summits of the heads of State concerned, are important contributions to a negotiated settlement. The conclusions of the summits related to the progress in the implementation of the ceasefire, as well as the establishment of the Joint Military Commission that emerged from the Lusaka Agreement, or again the deployment of the OAU Military Observers for the maintenance of the ceasefire, are significant stages in the assembling of regional resources in pursuit of security and as a guarantee of future peace. From this noble standpoint, lasting peace in the Democratic Republic of the Congo and in the region, the contribution of the international community, and in particular that of the

United Nations and its agencies, represents a considerable, indeed essential, factor in the implementation of the Lusaka Agreement. Thus, over and above the activities of the United Nations Mission - MONUC - Security Council resolution 1279 (1999) gives the Democratic Republic of the Congo an important security mechanism for the maintenance of peace.

These precious assets, both regional and international, are a measure of the hard-won progress made thus far but they can and must be built on until the parties themselves find the political will to put an end to the conflict. International humanitarian and security assistance is a necessary part of this difficult process but it is not enough. The partners in dialogue and peacemaking will have to make a major political effort as well. It is they who will have to draw up the terms of a lasting settlement that can tap the region's potential and they who will have to support it by providing significant international economic and technical assistance.

Moreover, today's impressive consultation among seven heads of State linked to the conflict in the Democratic Republic of the Congo will have traced the broad outlines of a possible solution. All the heads of State gathered here today view the situation in the Democratic Republic of the Congo from standpoints in which many areas of convergence are discernible. The main points on which there is agreement are:

1. The Lusaka Agreement must be the basis for any peace agreement;

2. The territorial integrity of the Democratic Republic of the Congo is recognized by all the parties;

3. Support for the mediation missions of the Facilitator, President Masire, and the Special Representative of the United Nations Secretary-General, Ambassador Morjane, is unanimous;

4. All the parties accept the need for reconciliation among the Congolese people.

With regard to international assistance, from the earliest days of African independence Israel supported the young African States as they attained freedom and sovereignty. Israel, itself restored to statehood after two thousand years, felt an automatic affinity with a number of African peoples as they gained their independence. It is this profound affinity that explains the scope of Israeli-African cooperation in various areas, such as agriculture, industry, infrastructure, medicine and community development.

It is also these assets and this affinity between Israel and Africa that prompt, indeed compel, Israel, itself engaged in a peace process in its own region, to take part in this debate on peace in Africa.

Mr. President,

As a highly skilled peacemaker, you are fulfilling here today, with your customary talent, conviction and determination, a strong African vocation. By showing such responsiveness and sensitivity to Africa, you have taken a decisive

step in the right direction. As Nietszche once said, health is best gauged by ascertaining what ails a person.

To look at what ails Africa is to make a serious attempt to think and act in ways that will improve Africa's health. It is the international community's responsibility to build the many bridges that will bring Africa out of its isolation. The etymology of the word "Africa" is "Africus", one of the 12 winds of Greek mythology, that wind from the south which gave the continent its name. So we must make some good winds, some good spirits blow over Africa, which has been assailed by evil spirits for far too long.

Another possible meaning of the word "Africa", which derives from a personal etymology acquired in the land of my birth, Morocco, and hence in Africa, might give it, by virtue of a semantic and phonetic proximity which owes nothing to the rigour of etymological theory, an additional resonance. Without hazarding a linguistic blunder or twisting semantics, the Arabic language could detect in "Ifriquia" the root farq, referring to the notion of separation. This seems to point clearly to Africa's inherent withdrawal into itself. In this era of triumphant globalization, it is high time that universality, justice, equality and solidarity were extended to Africa, that illustrious but separate continent.

Annex VI

[Original: English]

Japan: statement by Yukio Satoh, Permanent Representative

I would like to commend you, first of all, on your strong leadership in focusing the Council's attention on Africa this month. The meetings to date have already raised the level of international awareness of the plight of African peoples and their communities, particularly, AIDS and the displacement of people, which are seriously threatening human security, that is to say, the life, freedom and dignity of many communities and their members in Africa.

I would also like to express my appreciation to you for convening this open meeting of the Security Council to consider ways and means of advancing the peace process in the Democratic Republic of the Congo.

The conflict in the Democratic Republic of the Congo is among the gravest ever witnessed in Africa, involving almost half the countries on the continent in one way or another. And it is no exaggeration to say that the Security Council's commitment to peace is now being tested on this issue.

It is all too clear that the Lusaka Peace Agreement must be implemented quickly in order to solidify the prospects for peace, not only in the Democratic Republic of the Congo but throughout the entire Great Lakes region. I have to stress that, by playing for time, the parties concerned are compounding the suffering of the civilian population of the Democratic Republic of the Congo and depriving many countries involved of precious opportunities and prospects for development.

Japan therefore strongly demands that all parties concerned faithfully abide by all the elements of the Lusaka Peace Agreement. Most importantly, all the parties concerned must observe the ceasefire, foreign troops must be withdrawn from the territory of the Democratic Republic of the Congo, and a national dialogue for reconciliation must be commenced.

For our part, Japan is prepared to make an additional financial contribution of $300,000 in order to promote a national dialogue to be facilitated by Sir Ketumile Masire. With the contribution of $200,000 already made last November to the Joint Military Commission, Japan's financial contribution in support of the Lusaka peace process will amount to half a million dollars.

We are extremely encouraged by the efforts which the United States has made in order to have the leaders of all the parties to the Lusaka Agreement present in New York and to provide them with an opportunity to reconfirm their commitment to the Agreement.

Japan welcomes the presidential statement just adopted in front of all the Heads of State who signed the Lusaka Peace Agreement. This demonstrates a clear

commitment of the Security Council to move forward the peace process on the basis of the reaffirmation of the Peace Agreement, made by all the parties concerned here in New York.

Now that the commitment to the Lusaka Peace Agreement is reaffirmed, it is our strong hope that the Security Council will quickly decide to dispatch the 500 military observers to the Democratic Republic of the Congo together with their protection forces as recommended by the Secretary-General in his report.

It is also important for the Council to decide to deploy a full-fledged peacekeeping force as soon as possible. I assure you, Mr. President, that Japan, which bears 20 per cent of the cost of any peacekeeping operation, will support such a decision by the Council.

Since 1994 Japan has been providing humanitarian assistance to the countries in the Great Lakes region, which amounts in total to $270 million. It is Japan's intention to continue to provide humanitarian assistance to the people of the Democratic Republic of the Congo, in the hope that it will help stabilize the situation and reinforce the peace process.

As many delegations have pointed out, once the peace process is back on track, it will be important to address the issues of post-conflict development as well as the prevention of the recurrence of conflicts. With a view to enhancing human security, Japan is determined to support efforts by the international community in such fields as disarmament, demobilization and reintegration - especially of child combatants - removal of anti-personnel land mines and the control of illicit trade of small and other arms.

In concluding, I would like once again to urge all the parties to the Lusaka Peace Agreement to implement faithfully and quickly this important agreement and move forward in cooperation with one another to ensure a better prospect for peace and development in the Democratic Republic of the Congo and the neighbouring countries.

Annex VII

[Original: English]

Lesotho: statement by Phakiso Mochochoko, Chargé d'affaires a.i.

Let me begin by commending you for the exemplary businesslike manner in which you have been conducting the work of this Council since the beginning of the month. This we believe has set the right tone for the conduct of the United Nations meetings as we enter the new century and should thus be emulated. We commend you in particular for devoting this first month of the new year to African issues, a clear testimony not only of your personal commitment, but that of your Government, to peace and stability in Africa. It would indeed be a fitting crown for you and your country if the Council were to adopt a resolution on the deployment of a United Nations peacekeeping force in the Democratic Republic of the Congo during this month of your Presidency.

Our gratitude also goes to the Secretary-General for his report on the Democratic Republic of the Congo, which once again reveals the complexity of the conflict that continues to ravage this country. It is clear from the report that the conflict in the Democratic Republic of the Congo cannot end unless the parties fully commit themselves to cooperate to end it. In this regard, and for a long time, the absence of a neutral facilitator for the inter-Congolese dialogue has been seen as a missing link for the effective implementation of the Agreement. The appointment of former President Masire of Botswana as the facilitator of the national dialogue between the political forces, which we wholeheartedly welcome, is not only timely but should give renewed impetus to the implementation of the ceasefire agreement. We congratulate President Masire for his appointment and wish him all the best in his endeavours to find lasting peace for the people of the Democratic Republic of the Congo.

The signing of the Lusaka Agreement is not only a step in the right direction but a brave and giant leap for all of us. It has offered renewed hopes for the return of peace to the people of the Democratic Republic of the Congo in particular, the Great Lakes region, southern Africa and the African continent in general.

Since its signing, however, we have been faced with a paradox: the incidences of the Agreement's flagrant violations have been as pervasive as the universal yearning for its full implementation. It is indeed regrettable that, even as we gather here today, concerns about the implementation of the Agreement continue to mount.

Of particular concern is the deterioration in the military and security situation, resulting in increased flow of internally displaced persons and refugees; exacerbation of food shortages and flagrant breaches of peoples' human rights and international humanitarian law principles. No doubt, the unregulated transfer of weapons and ammunition has greatly contributed to prolong this conflict, to increase tensions and heighten civilian casualties.

A lot has been said about the need for a political will to find a democratic, long-lasting, non-military resolution to the conflict in the

Democratic Republic of the Congo. In reiterating the call for the parties to show even greater political will and commitment to the Lusaka process, we urge them to remember their obligation to the people of the Democratic Republic of the Congo: the selfless pursuit of the full implementation of the Lusaka Agreement. This occasion of the open Security Council debate in the presence of the leaders should not only be a time for reflection but is a unique opportunity for the parties to renew their commitment to the Lusaka Agreement by pledging to cooperate in a more active manner towards its full and successful implementation. Agreeing on a date for the convening of a regional conference on security and stability would certainly augur well for the process.

On the other hand, this Council must also reciprocate, not only by its political messages but by concrete actions underlining its commitment to assist the implementation of the Agreement. In the past and today as well, calls have been made for a more significant United Nations presence in the Democratic Republic of the Congo and for this Council to take decisive steps to resolve the conflict in that country. In particular, appeals have been made for the urgent deployment of a United Nations peacekeeping force. We subscribe to this laudable idea fully aware that all members of the international community need to make a strenuous effort to assure its success.

With memories of Srebrenica and Rwanda, in particular, as well as other unsuccessful United Nations stories still fresh in our minds, and given the complexity of the situation in the Democratic Republic of the Congo, we appreciate warnings not to throw caution to the wind and that delay may be preferable to error. At the same time, we cannot wait for perfect peace in the face of continued suffering and killing of Congolese people who want peace now. Let us be reminded of the adage, "Peacekeeping is no job for soldiers, but soldiers are the only ones who can do it". We therefore urge this Council to give them the job.

Until such time as peacekeepers can be deployed, the Joint Military Commission's role for executing peacekeeping functions will remain indispensable. We are encouraged by progress made by the Commission in a short space of time since its establishment. The situation at Ikela and the Commission's efforts for a peaceful resolution underscore the urgent need for a peacekeeping force. This issue also highlights the need for closer cooperation between the Commission and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) on the one hand as well as enhanced coordination and cooperation amongst all the players, including the United Nations, OAU and SADC. To this end, the appointment of the Secretary-General's Special Representative is a welcome move for the implementation of the Agreement and we wish him every success as well.

Lastly, the Lusaka process has to be matched by the commitment of resources for its successful implementation. We note that funds for the maintenance of the United Nations Mission will only last up to March, and that additional funds will be required for the implementation of the Secretary-General's recommendations for the deployment and equipping of additional military observers and civilian support personnel. We support the Secretary-General's recommendation and appeal for the necessary financial and logistical support from the international community for the implementation of those recommendations.

Annex VIII

[Original: English]

Norway: statement by Hans Brattskar, Chargé d'affaires a.i.

Norway highly appreciates the initiative of the United States and Ambassador Richard Holbrooke to convene this meeting on the Democratic Republic of the Congo. Norway is also grateful to President Chiluba, President Bouteflika and OAU, President Mbeki, President Chissano and others for their efforts to work for peace in the Democratic Republic of the Congo. Norway commends the humanitarian gesture of the United Republic of Tanzania of receiving, in the spirit of solidarity and as an international obligation, more than 100,000 refugees from the Democratic Republic of the Congo and neighbouring Burundi. Norway moreover welcomes the designation of Sir Ketumile Masire, former president of Botswana, as Facilitator in the inter-Congolese negotiations.

This meeting of the Security Council will hopefully contribute to restoring and maintaining momentum for the implementation of the Lusaka Ceasefire Agreement. However, the main responsibility lies with the signatories. It is on the basis of their commitment to the Agreement that the international community will consider lending its support.

Norway is already a considerable donor in the Great Lakes region and has followed the situation closely and with concern. An annual sum of approximately 200 million Norwegian kroner has been channelled to the region, including the Democratic Republic of the Congo, over the past years. These contributions have been channelled both through the United Nations and various non-governmental organizations. The main focus of this assistance has been peace, reconciliation, human rights and humanitarian projects. In the same spirit Norway is prepared to channel assistance to former President Masire's efforts to facilitate the process of an internal national dialogue and reconciliation. Moreover, Norway will support activities such as demobilization, social reintegration of ex-combatants and rehabilitation of child soldiers through the United Nations trust fund.

Noting the Secretary-General's recommendation for the deployment of an expanded United Nations mission, Norway is willing to consider contributing military observers to such a force provided that the security situation is satisfactory.

Finally, Norway supports the idea launched by France and supported by others to arrange a Great Lakes conference, taking into account all the problems that are dividing the region concerning security, refugees, disarmament, development and democratization.

Annex IX

[Original: English]

United Republic of Tanzania: statement by Daudi N. Mwakawago, Permanent Representative

Mr. President, the United Republic of Tanzania joins others in commending your Presidency, as well as the Council, for the continued interest in the difficulties facing Africa. It was with a sense of renewed hope that we welcomed the dedication of this month to Africa. The presence of some of our Heads of State here is a clear demonstration of our confidence in the ability of the Security Council to act as an instrument of peace in our strife-torn continent. It is in this regard that for the Democratic Republic of the Congo the call for concerted action in its pursuit for peace and stability has never been more urgent.

The position of the United Republic of Tanzania on the situation in the Democratic Republic of the Congo was succinctly stated by my President, His Excellency Benjamin William Mkapa, on 1 September 1999 in an address to the University of Uppsala in Sweden when he said:

> "... the Lusaka Ceasefire Agreement signed on 10 July 1999 provides an adequate framework and mechanism for durable peace, security and stability, not only in the Democratic Republic of the Congo itself, but also in the entire Great Lakes region. The Agreement, which was negotiated by all the concerned parties, takes care of the security concerns of the Democratic Republic of the Congo and her neighbours. It provides a unique opportunity for the Congolese people to put in place a new political dispensation in their most troubled country through an all-inclusive national dialogue. Thus the Agreement, whose ownership is not contested by any concerned party, including the rebel movements, should be given a chance, politically and materially, to be implemented urgently."

Later during the month, in his address to the General Assembly on 20 September, President Mkapa further noted that it was very encouraging that all the parties involved in the conflict had finally signed the Lusaka Ceasefire Agreement and cautioned that:

> "the challenge ahead is not to let the momentum ebb, but to move expeditiously to implement the truce, including sending and empowering the OAU observer and United Nations peacekeeping force as envisaged."

When President Mkapa spoke last year he was not being prophetic, only realistic. For indeed, without exception, his persistent pleas constitute the thrust of the message we have heard in the Council yesterday and today. There is no denying that the Democratic Republic of the Congo is facing a moment of great challenge for its future. There is also no doubt about the direction it has chosen to walk. But whether it is able to walk down that path will largely depend on the degree this Council and the international community can stand up

and support the process the Democratic Republic of the Congo and the region has committed itself to.

The Heads of State and the Ministers of the States of the region that spoke yesterday were very clear about their presence here: they had come to seek the help of the Council in the implementation of the Lusaka Ceasefire Agreement - an agreement which was also characterized as a vindication of the courage of the parties to choose dialogue over armed conflict. Tanzania continues to stress the urgency of supporting the Lusaka peace process. The leaders of the region have cautioned that any further delay can only be detrimental to the Ceasefire Agreement. Furthermore, there are sufficient indications that the cost of inaction or procrastination could be tragic, not only for the Democratic Republic of the Congo, but the entire Great Lakes region. These warnings should urgently be heeded if another catastrophe is to be averted in the region.

It is in this context that our regional leaders have called for the following urgent measures to support and sustain the Ceasefire Agreement.

- Urgent deployment of the necessary United Nations military observers;
- Urgent deployment of the United Nations peacekeeping force;
- Provision of humanitarian assistance;
- Resources and material support to the Facilitator;
- Material, logistical and financial support to the Joint Military Commission;
- Assistance to the refugees and displaced population in the region.

The positive manner in which the Council responds to the pleas for help and assistance will not only signal a renewed sense of partnership but would trigger a fresh momentum so urgently required in order to move the Democratic Republic of the Congo and the region towards peace and stability.

In addition, the United Republic of Tanzania is also concerned that the conflict in the Democratic Republic of the Congo has had the effect of generating refugees who, in fear for their lives, have fled into our country. Already we are host to over 100,000 refugees from the Democratic Republic of the Congo. Refugees have a particularly ominous aspect. The Security Council has been informed that one of the reasons some foreign troops are in the Democratic Republic of the Congo is to neutralize the security they face, some of which emanates from genocidal refugees in the Democratic Republic of the Congo. It is noteworthy that Tanzania has repeatedly been falsely accused of being a hotbed for elements within refugee camps bent on overthrowing the government they were running from. From our point of view, therefore, refugees are not only a product of conflict but are also often the cause of a vicious cycle of conflict. It is our belief that the international community and the Security Council in particular have not paid sufficient attention to the problem of refugees in Africa as a destabilizing force internally and in the region, and as a contributory factor to conflict in Africa.

It is thus our strong view that the implementation of the Lusaka Ceasefire Agreement will create a conducive atmosphere, not only for the critical role to be played by Sir Ketumile Masire, but also for peace and the national dialogue. We see the significance of this process in the creation of permanent structures for democracy and governance and therefore legitimacy in the Democratic Republic of the Congo. This will, in turn, stem the tide of refugees into our country which, in spite of the security risks it potentially creates, has also caused considerable human suffering to an innocent civilian population, the most vulnerable of whom are women and children. It is in this context that we urge firm support for Sir Ketumile Masire's efforts.

The President of Zambia, His Excellency Frederick Chiluba, pointed out that one of the major reasons for the delay in the implementation of the Ceasefire Agreement has been the lack of funds. The President expressed his disappointment that not all pledged commitments have been realized. It is indeed unfortunate that the initial enthusiasm and goodwill which greeted the signing of the Agreement appear to have waned away. The delay in the implementation of the accord and the weak financial support made available have only succeeded in introducing an element of uncertainty on the ground. It is important that this regrettable state be reversed. This is our collective responsibility. It is our responsibility to the people of the Democratic Republic of the Congo and for peace and stability in the Great Lakes region.

Our leaders travelled a long distance to come to New York. It is our hope that the people of the Democratic Republic of the Congo will not have to endure a long wait before they reap the dividends of their leaders' sojourn. The Council's meeting has also created anticipation and renewed hope. It is our great expectation therefore that the significance of this meeting in the fulfilment of the aspirations of the people of the Democratic Republic of the Congo will be rewarded with a firm commitment for a stronger partnership with the United Nations in seeking a lasting solution to the difficulties they and the region face.

Once again we commend the United States Presidency of the Security Council for declaring January the Africa month. It is our hope the groundwork that has been laid will be sustained in the months to come.

Annex X

[Original: English]

United States of America: statement by Richard C. Holbrooke, Permanent Representative

This morning, as I was listening to the excellent and encouraging statements being made, I could not help but think back two years to when I visited many of the leaders who have come here today in their home capitals. It was a time rich in promise.

In President Kabila, the Congolese people had a new leader pledged to national unity, and to carrying out economic and political reforms. Governments throughout the region seemed to be working together well, dedicated to finding solutions even to hard problems. There was broad agreement on the need for cooperation in securing borders, building democracy, respecting human rights, and preventing a recurrence of genocide.

In the months since, the United States has remained actively engaged. President Clinton made an historic visit to the continent. I have talked with officials from the region regularly. Special Representative Wolpe and other Administration representatives have worked hard on a daily basis to support the cause of stability and peace.

Unfortunately, during this period, there has occurred a catastrophic breakdown in regional cooperation and trust. The consequences have been disastrous, especially for the people of the Congo. I think we are off to a very good start today in bridging differences and focusing clearly not on blame for the past, but on concrete steps to build the right kind of future.

It is my fervent hope that this week will one day be viewed as the time that the promise of the Lusaka Agreement was finally fulfilled; as a decisive turning point, not only through this session, but also through the various bilateral and group meetings that will be held.

This has been called the month of Africa in the Security Council. But I know from my own years here that African issues are a regular topic of Council concern. My hope is that through diligent and persistent effort we can eliminate the need for that concern.

For we know that every dollar spent on war is a dollar that could have been spent to feed the hungry, educate the young or care for the ill. Every moment spent on war is a moment lost to democracy, human rights and the rule of law.

Today, the opportunity beckons for restoring international cooperation in Central Africa, fostering reconciliation in the Congo, and starting a new era of peace and growth throughout the region.

Given the past, I am neither optimistic nor pessimistic about whether that opportunity will be seized. I only know that, realistically, it can and must be seized by you and by us, now. With that goal in mind, we look to Africa for leadership, and offer our sincere and lasting support.

Annex XI

[Original: French]

International Organization of la Francophonie: statement by Ridha Bouabid, Permanent Observer

I should like to express to you the appreciation of the International Organization of la Francophonie for the efforts that you are making, as President of the Security Council for this month of January, to focus the attention of this organ, which is responsible for the maintenance of international peace and security, on Africa and, today, on the Democratic Republic of the Congo.

More than half the member countries of that organization are in the African continent. The Democratic Republic of the Congo is a founding member of that intergovernmental organization, which was established at Niamey in 1970. It is the second largest French-speaking country after Canada, in terms of area, and the second largest French-speaking country after France, in terms of population. Because of its geographical location it is a central element for peace and security, not only in the subregion but in the continent as a whole.

We are therefore very interested in the Council's discussions on Africa and we pay close attention to your debates - and to your decisions - concerning the Democratic Republic of the Congo.

We hope that this new mobilization of the international community, through the Council and under your presidency, around the Congolese conflict will lead, this time, to concrete results. The Council has sometimes seemed like a hesitant actor or even a silent witness to that tragedy, although in other situations it has demonstrated greater swiftness and a stronger commitment, notwithstanding the uncertainties that may have hovered over the implementation of some of its decisions.

Since the start of the crisis in the Democratic Republic of the Congo, my organization, both at the level of its forums and at the level of its general secretariat, has sought to make its contribution to a negotiated settlement of the conflict.

As early as December 1998, the ministerial conference of la Francophonie, meeting in Bucharest, took note with interest of the beginnings of a dialogue between all the parties which occurred on the occasion of the Africa-France Summit and the promise of a ceasefire which was given to the Secretary-General of the United Nations and to the then Chairman of the Organization of African Unity. It supported the idea of an international conference on peace, security and development in the Great Lakes region, under the auspices of the United Nations and the Organization of African Unity and invited the Secretary-General of la Francophonie to make himself available to the parties concerned, with a view to contributing to the multilateral action in the service of peace in that region.

The heads of State and Government of la Francophonie, at their eighth summit, in Moncton, Canada, last September, gave their full support to the efforts made to settle the conflicts in the Great Lakes region; they welcomed the signing by all parties of the Lusaka agreements - an essential step towards a just and comprehensive peace in that region; they called on all the parties and all the signatories to those agreements to apply all the provisions of those agreements and declared that they were prepared to lend their support to the implementation of those provisions.

The Secretary-General of the International Organization of la Francophonie, for his part, spared no effort to help the belligerents cease hostilities and start a true dialogue, which is the only way which can lead to peace and create the conditions necessary for national reconciliation and a resumption of the democratic process.

Just a few weeks following the outbreak of the crisis he sent a first mission of good offices to Kinshasa, from 2 to 5 October 1998, which he entrusted to Dr. Emile Derlin Zinsou, former President of Benin.

President Zinsou, special envoy of the Secretary-General of la Francophonie for the Democratic Republic of the Congo, was to go another three times to that country, and also to Uganda and Rwanda, twice on a joint mission with the Community of St. Egidio. (You will undoubtedly remember the role that that religious community played in the settlement of the conflict in Mozambique.)

All these missions and the numerous contacts initiated by la Francophonie and by the Community of St. Egidio, in Paris, and also in Brussels and Rome, made it possible to establish contacts and in-depth consultations, not only with the Kinshasa authorities but also with all three elements of the armed opposition, with the unarmed internal opposition, the unarmed external opposition, civil society and the churches.

At each of these stages, the International Organization of la Francophonie recalled its commitment to the unity and territorial integrity of the Democratic Republic of the Congo, emphasized its complete neutrality vis-à-vis all the parties and worked to establish a national debate which could be a first step towards re-establishing trust between the parties and clearing the way to a negotiated solution of the conflict.

Aside from the question of facilitation, we were negotiating with all Congolese political and military forces regarding the nature, goals and even the agenda of the national debate that was to be instituted; the list of who should participate; the place, date and duration of the meetings; the guarantees concerning the liberty and security of participants and the status of any decisions which might result therefrom.

At each of those stages, our partners in the United Nations and the Organization of African Unity were kept informed, so convinced are we that the settlement of conflicts, as well as the prevention of conflicts, is a delicate and complex task requiring the assistance of everyone, the assistance of all who, to a greater or lesser degree, are in a position to make their contribution to peace-building.

We therefore welcomed the signing of the Lusaka agreements. We saw them as yet further proof that Africans - who have long been urged to do this by the international community - are in a position to settle their differences themselves, through negotiation and dialogue.

These agreements - you, Mr. President, have said it yourself, you who have the experience of so many other peace negotiations throughout the world - are a remarkable basis for bringing the country out of its crisis and putting it back on the road to sustainable peace and development.

We therefore also welcomed the appointment of Sir Ketumile Masire, former President of Botswana, as facilitator of the national dialogue among the Congolese.

I should like, on behalf of the Secretary-General, to assure him of our wholehearted support for his mission and to assure him that the International Organization of la Francophonie stands ready to make available to him, and to the Organization of African Unity, the experience which it has acquired through its involvement, from the start of the crisis, in the search for a negotiated solution to the conflict in the Democratic Republic of the Congo.

We hope that this appointment will enable the parties to embark truly and with all necessary good faith, on serious negotiations. But we remain greatly concerned at the deterioration of the situation in the field.

For there are a number of reports, all of which are in agreement, which would lead one to believe that the parties continue to prefer the military way. The recent events in Mbandaka, the upsurge in military activity by certain armed groups in the eastern part of the country and reports from south Kivu do not attest to the commitment of the parties to the path outlined and agreed on at Lusaka.

We support your efforts and we joint you and the Secretary-General of the United Nations in calling on all the protagonists to embark resolutely on implementing the Lusaka agreements.

We call on them to end the suffering of the Congolese people and of the hundreds of thousands of refugees and displaced persons, and to cooperate with their governmental and non-governmental partners so that they can help them to help the Democratic Republic of the Congo.

The International Organization of la Francophonie stands ready to cooperate with the other international partners, including the Office of the United Nations High Commissioner for Human Rights, in strengthening the international community's efforts to protect and promote human rights in the Democratic Republic of the Congo.

I also take this opportunity to remind all parties that we stand ready to help them to restore and strengthen democratic practice and democratic institutions in the country, and we urge them to participate in the discussions being held in our organization in accordance with the plan of action adopted at

the Moncton Summit in preparation for the international symposium on democratic practice in the francophone world, to be held in Bamako at the end of this year.

No one can restore peace in the Democratic Republic of the Congo unless the Congolese people themselves want peace. But although there are disturbing trends that cast doubt on their will to reach a peaceful solution, there are other trends that raise high hopes for the peace initiatives of the international community.

Mr. President, there are few who do not agree with your statement that the situation in the Democratic Republic of the Congo is probably far more complex than that of East Timor and as least as complex as that of Kosovo.

But at the same time, let us not forget other cases where, despite the extremely difficult situations which have prevailed in some countries and which have threatened to destabilize their subregions, the Council has succeeded in taking the necessary decisions and in helping them to recover from their crises; I allude, inter alia, to Guinea-Bissau and the Central African Republic.

As President Chiluba maintained a few months ago, and again yesterday, before this Council, Africa has played an important role in the process of resolving the Congolese crisis. With patience and determination, it has achieved the negotiation, conclusion and signature by all parties of the Lusaka Agreement.

It is now time for the international community to play its role by supporting those endeavours.

Thanks to the edifying report which the Secretary-General has submitted to you and for which I wish to express my appreciation, the Council now has a body of new information that should give it an even clearer idea of the situation than it had during the previous deliberations and should allow it to act promptly and effectively to promote the full implementation of the Lusaka Agreement and the restoration of peace in the Democratic Republic of the Congo.

The proposed concept of operations is, in our opinion, both realistic and appropriate pending the full deployment of a United Nations peacekeeping force. If agreed and implemented promptly, it will make it possible to maintain the enthusiasm inspired by the signature of the Lusaka Agreement and to show the Congolese people that if they want peace, the international community is on their side.

We are confident that the Council will take the necessary steps to ensure that the recommendations contained in this report are acted upon. We hope that this will be done and assure you once again, Mr. President, of our full support.

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General Assembly
Security Council

Distr.
GENERAL

A/54/723
S/2000/55
27 January 2000

ORIGINAL: ENGLISH

ERAL ASSEMBLY
ty-fourth session
nda item 160
SURES TO ELIMINATE INTERNATIONAL
ERRORISM

SECURITY COUNCIL
Fifty-fifth year

Letter dated 25 January 2000 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to refer to the letter dated 2 December 1999 addressed to you by the rmanent Representative of Lebanon to the United Nations (A/54/655-1999/1220).

This ritualistic letter merely obscures the fact that the Government of banon is directly responsible for the volatile situation along its southern rder and that it continues to reject available means for resolving the nflict.

Indeed, even as substantial strides are being made towards reaching a aceful settlement in the Middle East, Lebanon continues to openly support a rror campaign against a neighbouring State, while endorsing opposition to any ace agreement. In addition, Lebanon refuses to respond to Israel's repeated vitations to negotiate a solution that would restore peace and security along r common border, particularly the implementation of Security Council solution 425 (1978) of 19 March 1978. Over the nearly two years since this vitation was extended, Lebanon has opted instead to allow the conflict to ntinue and the human toll to rise. The perpetuation of the conflict, erefore, is of Lebanon's own making.

I wish to recall the Declaration on Principles of International Law ncerning Friendly Relations and Cooperation among States, contained in the nex to General Assembly resolution 2625 (XXV) of 24 October 1970, providing at sovereignty carries a responsibility not to allow terrorist acts to be ganized and prepared on one's territory or launched from it.

The policies of Lebanon stand in direct conflict with this provision. ganizations operating on Lebanese soil openly practise terrorist operations ainst neighbouring Israel, and Lebanon takes no action to prevent or restrain

them. These organizations have made clear that their opposition is to the very existence of the State of Israel. As Sheikh Hassan Nassrallah, the Secretary-General of the Lebanon-based Hizballah militia, recently stated: "There is no solution to the conflict in this region except with the disappearance of Israel" (Washington Post, 1 January 2000). Similarly, the leader of Islamic Jihad in Lebanon called that territory "an open front for the liberation of Palestine", adding that "there is broad scope for resistance that serves the project of Islamic Jihad which seeks to destroy the Zionist entity" (Al Hayyat, 30 October 1999).

These positions demolish the claims by Lebanese officials that such groups are simply engaged in "resistance" (A/53/878-S/1999/333), and make clear that, in fact, their "resistance" is to the existence of Israel altogether. Yet, in contradiction to resolution 2625 (XXV) and against international norms. Lebanon does nothing to dismantle or disarm these organizations. On the contrary - Lebanon's Prime Minister embraces their "jihad" and so-called "resistance" (Voice of Lebanon, 16 February 1999). While Israel and others are seeking to achieve a negotiated resolution to the conflict, Lebanon openly backs the opponents of peace: it has adopted Hizballah, renaming it the "Lebanese national resistance" (A/53/878-S/1999/333), whose position is that "peace settlements will not change reality, which is that Israel is the enemy and that it will never be a neighbor or a nation" (Sheikh Hassan Nassrallah, Washington Post, 1 January 2000).

Lebanon's endorsement of this stance conforms with its continued rejection of a negotiated solution to the conflict. It should be recalled that resolution 425 (1978) calls not only for the withdrawal of Israeli forces, but also for the restoration of international peace and security and the return of the effective authority of the Government of Lebanon in the area. The declared willingness of the Government of Lebanon to host an elaborate terrorist infrastructure, to permit its regular reinforcement and to endorse its operations against a neighbouring country is totally incompatible with the last two provisions of the resolution.

Coupled with its refusal to negotiate a peaceful solution, the policies of Lebanon leave Israel with no alternative but to exercise its sovereign right of self-defence in accordance with international law. Nevertheless, Israel once again calls upon the Government of Lebanon to begin negotiating a solution with the aim of restoring peace and security along our common border.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 160, and of the Security Council.

(Signed) Yehuda LANCRY
Ambassador
Permanent Representative

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/2000/56
31 January 2000
ENGLISH
ORIGINAL: ENGLISH, FRENCH
AND RUSSIAN

Draft resolution

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1255 (1999) of 30 July 1999, and the statement of its President of 12 November 1999 (S/PRST/1999/30),

Having considered the report of the Secretary-General of 19 January 2000 (S/2000/39),

Recalling the conclusions of the Lisbon (S/1997/57, annex) and Istanbul summits of the Organization for Security and Cooperation in Europe (OSCE) regarding the situation in Abkhazia, Georgia,

Stressing that the lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

Welcoming the results of the ninth session of the Coordinating Council of the Georgian and Abkhaz sides held under the chairmanship of the Special Representative of the Secretary-General, with the participation of the Russian Federation in its capacity as facilitator and of the Group of Friends of the Secretary-General and of the OSCE, in Tbilisi on 18 and 19 January 2000, in particular the signing by the parties of the protocol establishing a mechanism for joint investigation of violations of the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces (S/1994/583, annex I) and other violent incidents in the zone of conflict, and their decision to renew negotiations under United Nations auspices and with the facilitation of the Russian Federation on the draft agreement on peace and guarantees for the prevention of armed confrontations and on the preparation of a draft of a new protocol on the return of refugees to the Gali region and measures to restore the economy,

Welcoming the decision on further measures for the settlement of the conflict in Abkhazia, Georgia, adopted by the Council of Heads of State of the Commonwealth of Independent States on 30 December 1999 (S/2000/52),

Deeply concerned that, although currently calm, the general situation in the conflict zone remains volatile,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Welcoming the important contributions that the United Nations Observer Mission in Georgia (UNOMIG) and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS peacekeeping force) continue to make in stabilizing the situation in the zone of conflict, noting that the working relationship between UNOMIG and the CIS peacekeeping force has been good at all levels, and stressing the importance of continuing and increasing close cooperation and coordination between them in the performance of their respective mandates,

1. Welcomes the report of the Secretary-General of 19 January 2000;

2. Encourages the parties to seize the opportunity of the appointment of a new Special Representative of the Secretary-General to renew their commitment to the peace process;

3. Strongly supports the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator as well as of the Group of Friends of the Secretary-General and of the OSCE, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which includes a settlement on the political status of Abkhazia within the State of Georgia;

4. Reiterates its call for the parties to the conflict to deepen their commitment to the United Nations-led peace process, continue to expand their dialogue, and display without delay the necessary will to achieve substantial results on the key issues of the negotiations, in particular on the distribution of constitutional competences between Tbilisi and Sukhumi as part of a comprehensive settlement, with full respect for the sovereignty and territorial integrity of Georgia within its internationally recognized borders;

5. Reiterates also that it considers unacceptable and illegitimate the holding of self-styled elections and referendum in Abkhazia, Georgia;

6. Calls upon the parties to continue to enhance their efforts to implement fully the confidence-building measures on which they agreed at the Athens and Istanbul meetings of 16-18 October 1998 and 7-9 June 1999 respectively, and recalls the invitation of the Government of Ukraine to host a third meeting aimed at building confidence, improving security and developing cooperation between the parties;

7. Reaffirms the necessity for the parties strictly to respect human rights, and supports the efforts of the Secretary-General to find ways to improve their observance as an integral part of the work towards a comprehensive political settlement;

8. Reaffirms the unacceptability of the demographic changes resulting from the conflict and the imprescriptible right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions, in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 (S/1994/397, annex II), and calls upon the parties to address this issue urgently by agreeing and implementing effective measures to guarantee the security of those who exercise their unconditional right to return, including those who have already returned;

9. Demands that both sides observe strictly the Moscow Agreement;

10. Welcomes UNOMIG keeping its security arrangements under constant review in order to ensure the highest possible level of security for its staff;

11. Decides to extend the mandate of UNOMIG for a new period terminating on 31 July 2000, subject to a review by the Council of the mandate of UNOMIG in the event of any changes that may be made in the mandate or in the presence of the CIS peacekeeping force, and expresses its intention to conduct a thorough review of the operation at the end of its current mandate, in the light of steps taken by the parties to achieve a comprehensive settlement;

12. Requests the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of this resolution on the situation in Abkhazia, Georgia;

13. Decides to remain actively seized of the matter.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/2000/57
31 January 2000

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as its resolutions on the situation in Lebanon,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 17 January 2000 (S/2000/28) and taking note of the observations expressed and the commitments mentioned therein,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Taking note of the letter dated 28 December 1999 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General (S/1999/1284),

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is until 31 July 2000;

2. Reiterates its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978 (S/12611), approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. Condemns all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

5. Reiterates that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978), and all other relevant resolutions;

6. Encourages further efficiency and savings provided they do not affect the operational capacity of the Force;

7. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/2000/58
28 January 2000
ENGLISH
ORIGINAL: ARABIC

IDENTICAL LETTERS DATED 26 JANUARY 2000 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you that violations of Iraq's airspace by United States and British aircraft based in Saudi Arabia, Kuwait and Turkey continued between 17 and 23 January 2000 and that the aircraft in question engaged in acts of aggression, reconnaissance activities and acts of provocation, as set forth in the annex hereto.

You are requested to intervene with the United States, the United Kingdom and the countries that provide the facilities for these acts of aggression, namely Saudi Arabia, Kuwait and Turkey, with a view to bringing a halt to actions that, as flagrant violations of the Charter of the United Nations and of international law, pose a threat to the sovereignty and territorial integrity of Iraq.

These actions are continuing to bring death and injury to hundreds of civilians and to cause serious damage to private and public property. The logistic support that Saudi Arabia, Kuwait and Turkey provide to the United States and British forces makes them key partners in the aggression being committed against Iraq, so that they share international responsibility for the consequences of these actions. The Government of the Republic of Iraq affirms its right to seek lawful compensation for the damage being inflicted on its people by these same actions.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

Annex

Violations by United States and British aircraft and damage caused, 17-23 January 2000

1. In the northern region 16 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 6,000 to 12,000 metres, as follows:

At 1230 hours on 17 January 2000 United States and British F-14, F-15, Tornado and EA-6B aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 16 missions from Turkish territory, were supported by an AWACS command and control aircraft operating inside Turkish airspace and overflew the Mosul, Dohuk, Zakho, Aqrah, Tall Afar, Baibo and Amadiyah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1540 hours, drove them off.

2. In the southern region 360 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 9,000 to 13,000 metres, as follows:

(a) At 0950 hours on 17 January 2000 United States and British F-14, F-15, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 58 missions, 14 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 44 from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Artawi, Ashbajah, Amarah, Qurnah, Safwan, Nasiriyah, Basrah, Samawah, Qal'at Salih, Lasaf and Shinafiyah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1105 hours, drove them off.

(b) At 1050 hours on 18 January 2000 United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 90 missions, 40 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 50 from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Lasaf, Nasiriyah, Basrah, Najaf, Amarah, Qurnah, Shinafiyah, Qal'at Salih, Artawi, Diwaniyah, Busayyah, Ashbajah, Qal'at Sukkar, Afak and Samawah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1350 hours, drove them off.

(c) At 1245 hours on 20 January 2000 United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 54 missions, 14 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 40 from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Artawi, Ashbajah, Lasaf, Basrah, Qurnah, Samawah, Amarah, Qal'at Salih, Nasiriyah, Salman, Taqtaqanah and Busayyah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1410 hours, drove them off.

(d) At 1345 hours on 21 January 2000 United States and British F-14, F-15, F-16 and F-18 aircraft coming from Saudi [and Kuwaiti] territory penetrated Iraq's airspace in the southern region. They carried out 62 missions, 22 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 40 from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Lasaf, Basrah, Shatrah, Qal'at Sukkar, Amarah, Ashbajah, Shinafiyah, Samawah, Qurnah, Nasiriyah, Diwaniyah, Salman, Busayyah, Hayy, Jalibah and Rifa'i areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1505 hours, drove them off.

(e) At 1250 hours on 23 January 2000 United States and British F-14, F-15 and F-18 aircraft coming from Saudi [and Kuwaiti] territory penetrated Iraq's airspace in the southern region. They carried out 96 missions, 56 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 40 from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Amarah, Ashbajah, Shinafiyah, Samawah, Qurnah, Diwaniyah, Salman, Busayyah, Qal'at Salih, Jalibah, Hayy, Rifa'i and Artawi areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1405 hours, drove them off.

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Agenda item 96
QUESTION OF EAST TIMOR

SECURITY COUNCIL
Fifty-fifth year

IDENTICAL LETTERS DATED 31 JANUARY 2000 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE GENERAL ASSEMBLY, THE PRESIDENT OF THE SECURITY COUNCIL AND THE CHAIRPERSON OF THE COMMISSION ON HUMAN RIGHTS

In accordance with Commission on Human Rights resolution 1999/S-4/1 of 27 September 1999, as endorsed by the Economic and Social Council in its decision 1999/293 of 15 November 1999, I established an international commission of inquiry in order to gather and compile systematically information on possible violations of human rights and acts which might constitute breaches of international humanitarian law committed in East Timor since January 1999. I was also requested under that resolution to make the report of the commission of inquiry available to the Security Council, the General Assembly and the Commission on Human Rights.

I have the honour to inform the General Assembly that the International Commission of Inquiry on East Timor, having completed its task, has submitted its report to me, which I am transmitting herewith. The report of the International Commission of Inquiry may be considered in the light of the report of the joint mission of the Special Rapporteurs of the Commission on Human Rights to East Timor (A/54/660), with which the Commission was requested to cooperate. That report is also available to the Assembly.

The thrust of the report and the conclusions of the International Commission of Inquiry are consistent with those of the Special Rapporteurs and with information available through the reports of the United Nations Mission in East Timor (UNAMET) and the United Nations Transitional Authority in East Timor (UNTAET) and other independent observers.

The Commission stated that the evidence gathered clearly demonstrated a pattern of serious violations in East Timor of fundamental human rights and humanitarian law. As the report indicates, the actions violating human rights

and international humanitarian law were directed against a decision of the Security Council and were contrary to the agreements reached by Indonesia with the United Nations to carry out the decision of the Security Council. This fact reinforces the need to hold the perpetrators accountable for their actions. The commission of inquiry has recommended ways of responding to this need.

In facing this challenge, I am encouraged by the commitment shown by President Abdurrahman Wahid to uphold the law and to fully support the investigation and prosecution of the perpetrators through the national investigation process under way in Indonesia. I have also been strongly assured by Foreign Minister Alwi Shihab of the Government's determination that there will be no impunity for those responsible.

As the report indicates, there is a need for conducting further systematic investigations of the violations that took place in East Timor during the period from January 1999. With a view to bringing justice to the people of East Timor, I intend to pursue various avenues to ensure that this task is accomplished adequately, inter alia, by strengthening the capacity of UNTAET to conduct such investigations and enhancing collaboration between UNTAET and the Indonesian Commission of Inquiry into Human Rights Violations in East Timor (KPP-HAM).

The International Commission of Inquiry found that the United Nations and the international community had a particular responsibility to the people of East Timor in connection with investigating the violations, establishing responsibilities, punishing those responsible and promoting reconciliation. I believe the United Nations has an important role to play in this process in order to help safeguard the rights of the people of East Timor, promote reconciliation, ensure future social and political stability and protect the integrity of Security Council actions.

The recommendations of the International Commission of Inquiry on East Timor merit careful consideration. The Security Council, the General Assembly and the Commission on Human Rights may wish to consider the further steps which should be taken. I wish to assure Member States of my firm commitment to cooperate with the intergovernmental process in this important matter. I will closely monitor progress towards a credible response in accordance with international human rights principles.

(Signed) Kofi A. ANNAN

Letter of transmittal

Letter from the International Commission of Inquiry on East Timor addressed to the United Nations High Commissioner for Human Rights

We have the honour to submit to you for transmission to the Secretary-General the report we have unanimously adopted in pursuance of the mandate laid down by the Commission on Human Rights in its resolution 1999/S-4/1 of 27 September 1999.

As we have mentioned to you, the Commission worked harmoniously and we are grateful for the help of the support staff you provided us. Notwithstanding the delay, the timing of our visit to East Timor was opportune; people had just begun to return while we were there and we were able to speak to them.

We would strongly urge that a follow-up investigatory process be established urgently, as set out in our conclusions and recommendations.

We would like to express our appreciation for the opportunity to serve on the Commission and would like to convey to you and the Secretary-General our high respect and regards.

(Signed) Sonia PICADO SOTELA
Chairperson

(Signed) Judith SEFI ATTAH
Member

(Signed) Justice A. M. AHMADI
Member

(Signed) Sir Mari KAPI
Member

(Signed) Sabine LEUTHEUSSER-SCHNARRENBERGER
Member

REPORT OF

THE

INTERNATIONAL COMMISSION OF INQUIRY

ON EAST TIMOR

TO

THE SECRETARY-GENERAL

January 2000

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I. INTRODUCTION

1. The present report is submitted pursuant to resolution S-4/1 adopted by the Commission on Human Rights on 27 September 1999 at its special session on the situation of human rights in East Timor held from 24 to 27 September 1999. The Special session was convened following increasing reports of widespread violence and serious human rights violations in East Timor after the popular consultation on the future status of East Timor on 30 August 1999.

2. In that resolution, the Commission condemned the widespread, systematic and gross violations of human rights and international humanitarian law in East Timor, the widespread violations and abuses of the right to life, personal security, physical integrity and the right to property, and the activities of the militias in terrorising the population. The Commission expressed its deep concern at the widespread forced removal and dislocation of persons to West Timor and other nearby areas, the serious humanitarian situation of the displaced East Timorese, the violence and intimidation directed against international agencies as well as most of the independent media and the lack of effective measures to deter or prevent militia violence and the reported collusion between the militias and members of the Indonesian armed forces and police in East Timor.

3. The Commission on Human Rights affirmed that all persons who committed or authorized violations of human rights or international humanitarian law were individually responsible and accountable for those violations and that the international community will exert every effort to ensure that those responsible were brought to justice. The Commission further affirmed that the primary responsibility for bringing perpetrators to justice rested with national judicial systems.

4. The Commission on Human Rights called upon the Secretary-General to establish an international commission of inquiry in order to gather and compile systematically information on possible violations of human rights and acts which might constitute breaches of international humanitarian law committed in East Timor, since the announcement in January 1999 of the vote and to provide the Secretary-General with its conclusions with a view to enabling him to make recommendations on future action, and to make the Commission's report available to the Security Council, the General Assembly and the Commission on Human Rights at its fifty-sixth session.

II. GENERAL BACKGROUND

5. East Timor was a colony of Portugal. On 28 November 1975, one of the East Timorese political parties, Revolutionary Front for an Independent East Timor (FRETLIN) declared independence from Portugal because Portugal was considering dismantling its colonies. On December 7 1975, Indonesia sent its troops into the Territory on the grounds that other East Timorese political parties and elements were seeking its intervention. The United Nations Security Council condemned the intervention by Indonesia. It adopted resolution 384/1975 calling for the withdrawal of Indonesian forces. On July 17, 1976, Indonesia formally annexed the territory and proclaimed East Timor as twenty–seventh province of Indonesia. The General Assembly rejected the claim that East Timor had been integrated into Indonesia and called for the exercise by the people of East Timor of their right to self–determination. [1]

6. In the 1990s East Timorese resistance groups formed an umbrella organisation called the National Council of Timorese Resistance (CNRT), while the Armed Forces of National Liberation of East Timor (FALINTIL) was engaged in armed opposition to Indonesia's presence in the territory. The Indonesian authorities had reportedly used armed militia groups as a strategy to deal with the armed and other opposition groups that resisted the Indonesian presence in East Timor. In 1998 and 1999, FALINTIL's operations reportedly were mainly defensive and confined to the hills. There have been some reports on occasional abuses committed by FALINTIL during this period.

7. On November 12, 1991 Indonesian forces shot into a crowd of people who had gathered at the Santa Cruz cemetery in Dili for a memorial service for a youth shot dead by TNI in an incident on 28 October 1991. The number of mourners killed at the Santa Cruz cemetery is not clear. The incident brought back the international focus on the question of self – determination of East Timorese people.

8. For the last several years, the Commission on Human Rights and other bodies had been concerned with the serious human rights violations in East Timor, relating to continuing allegations of extrajudicial killings, torture, "disappearances" and acts of sexual violence attributed to members of the Indonesian National Army (TNI) and pro-government militias and paramilitary groups.

9. In May 1998, following the resignation of President Suharto, the new Government of Indonesia under President Habibie, committed itself to reform and respect for human rights. As a result of greater display of tolerance by the authorities, open political activity by East Timorese students and CNRT reportedly increased. However, there were also reports that in late 1998 and early 1999, new militia groups were established in East Timor by the Indonesian

[1] General Assembly resolution 31/53 of 1 December 1976

authorities who reportedly portrayed the emergence of new militia groups as a spontaneous reaction against the activities of supporters of independence.

10. In January 1999, President Habibie offered East Timor substantial autonomy, or independence if the offer of autonomy was rejected. In an agreement signed on 5 May 1999, Indonesia, Portugal and the United Nations agreed on a consultation process for the East Timorese people to accept or reject the Indonesian offer of autonomy. The agreement stressed that the responsibility for ensuring a secure environment devoid of violence or other forms of intimidation would rest with the appropriate Indonesian authorities. The agreement also underscored the need for neutrality of the TNI and the Indonesian police for implementing the popular consultation process.

11. The Secretary-General identified six preconditions for implementing the consultation process - these were[2] :

- Bringing armed civilian groups under strict control ;
- The prompt arrest and prosecution of those who incite or threaten to use violence ;
- A ban on rallies by armed groups ;
- Ensuring the freedom of association and expression of all political forces and tenedencies;
- The redeployment of the Indonesian military forces ;
- The immediate institution of a process of laying down of arms by all armed groups to be completed well in advance of the holding of the ballot.

12. In June 1999, the Security Council established the United Nations Missions in East Timor (UNAMET) to organize and conduct a popular consultation.[3] The ballot originally set for August 8 1999, was twice postponed for security and technical reasons. At the end of the voter registration period, a total of 446,666 people had registered, including 422,575 from within East Timor.

13. On August 30 1999, nearly 99 per cent of registered voters turned out for the vote. On 4 September, the United Nations announced that the East Timorese people had overwhelmingly chosen independence : over 78% of the voters had rejected autonomy within Indonesia. The violence that followed the announcement of the results of the popular consultation led to the establishment of the International Commission of Inquiry on East Timor.

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[2] Question of East Timor, Report of the Secretary– General of 5 May 1999 (S/1999/513, para 6).
[3] Security Council resolution 1246/1999 of 11 June 1999.

III. INTERNATIONAL COMMISSION OF INQUIRY ON EAST TIMOR

A. Members, mandate, rules of procedures and meetings

1. Members

14. Pursuant to the resolution adopted by the Commission on Human Rights at its special session, the Secretary – General requested the High Commissioner for Human Rights to take further steps to implement the resolution and also requested that the report of the Commission of Inquiry be submitted to him by 31 December 1999. On 15 October 1999 the High Commissioner for Human Rights announced the composition of the International Commission of Inquiry on East Timor as follows: Sonia Picado of Costa Rica (Chairperson), Ms. Judith Sefi Attah of Nigeria, A.M. Ahmadi of India, Mari Kapi of Papua New Guinea and Sabine Leutheusser–Schnarrenberger of Germany.

15. The Chairperson of the Commission of Inquiry, Sonia Picado, is a member of the Costa Rican Legislative Assembly and Vice – chairperson of the Board of Directors of the Inter- American Institute of Human Rights. Judith Sefi Attah is a former Minister of Women's Affairs and Social Development of Nigeria and was a member of the Sub- Commission on the Prevention of Discrimination and Protection of Minorities (now called the Sub-Commission on the Promotion and Protection of Human Rights) from 1987 to 1997. A.M. Ahmadi is a former Chief Justice of India. Mari Kapi is Deputy Chief Justice of Papua New Guinea. Sabine Leutheusser -- Schnarrenberger is a member of the German Bundestag (Parliament), where she is on the Committee for Human Rights and Humanitarian Assistance, she is also a former Federal Minister of Justice and a practising lawyer.

16. Ravindran Daniel was appointed Secretary of the Commission. The other members of the secretariat were Roberto Ricci, Denis Obez, Janet Foot and Andreas Bouchard. Mr. Thomas E. McCarthy, Senior Advisor to the High Commissioner for Human Rights was the advisor to the Commission of Inquiry.

2. Mandate

17. The Commission of Inquiry derived its mandate from Commission on Human rights resolution S-4/1999/1. The mandate was :

> "to gather and compile systematically information on possible violations of human rights acts which might constitute breaches of international humanitarian law committed in East Timor, and to provide the Secretary – General with its conclusions with a view to enabling him to make recommendations on future actions".

18. The mandate of the International Commission of Inquiry included cooperation with the Indonesian national commission on human rights and thematic rapporteurs.

3. Rules of procedure

19. To facilitate its work, the Commission of Inquiry adopted rules of procedure, which are annexed to the report.

20. Based on its mandate, the Commission of Inquiry decided to focus on violations of the right to life (killings), personal integrity (torture) and personal liberty, destruction of property, violence against women, internal displacement and forced movement of people, intimidation and terror, the effects of violence on the enjoyment of economic and social rights (health and education) and links between the militia and the Indonesian army.

4. Meetings in Geneva

21. On 15 November, the Economic and Social Council (ECOSOC) endorsed the resolution of the Commission on Human Rights establishing the Commisson of Inquiry. The Commission immediately began its work and convened its first meetings in Geneva from 18 to 20 November 1999.

22. In Geneva, the members of the Commission of Inquiry met with the High Commissioner for Human Rights and were briefed by the secretariat. They also had a meeting with Ambassador Susanto Sutoyo, Deputy Permanent Representative of Indonesia to the United Nation's in Geneva.

23. As part of the preparations for the first session of the Commission of Inquiry in Geneva, the Chairperson had several meetings and briefing sessions in Geneva. The Chairperson met with Ms. F. Marclay and Mr. B. Leurat from International Committee of the Red Cross, Mr. Alvarado Mendoza Moura, Ambassador of Portugal to the United Nations Office at Geneva,) Mr. John D. Long, Counselor for political affairs from the Permanent Mission at Geneva of the United States of America, Mr. Sergio Vieira de Mello, special representative of the Secretary–General and Ms. Asma Jahangir, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and staff members of the branch servicing the rapporteurs. In addition, the Chairperson also met with representatives of Amnesty International, the International Commission of Jurists and World Council of Churches.

5. Meetings in Darwin

24. On 23 and 24 November 1999, the Commission met in Darwin Australia,

where, in addition to finalizing its methods of work, it met with Mr. Ian Martin, former Special Representative of the Secretary–General in East Timor (UNAMET), Mr. Allan Mills, Commissioner of Police for UNAMET and Lt. Col. O' Sullivan, a UNAMET military observer.

25. In Darwin, members of the International Commission also met with Mr. Albert Hasibuan and Mr. Asmara Nababan from the Indonesian National Commission of Inquiry on East Timor. The meeting between the members of the International Commission of Inquiry and the Indonesian National Commission of Inquiry helped clarify the areas in which they could cooperate, and also the mandate of the respective commissions. The information shared by the Indonesian National Commission regarding the status of its inquiry and its future plans provided the basis for further collaboration between the two commissions.

B. Visit to East Timor

26. The Commission visited East Timor from 25 November to 3 December 1999. The Commission members travelled extensively around Dili and surrounding areas to verify material destruction, to hear witnesses and to collect testimonies and documents. The Commission of Inquiry travelled to Los Palos, Maliana, Suai and Liquicia, where especially serious violations of human rights had been reported.

27. The members also travelled to Aileu to meet with Mr. Xanana Gusmao, President of CNRT. Mr. Gusmao shared his views regarding reconciliation and justice. He stressed the need for establishing accountability for the human rights violations committed in East Timor so that the people of East Timor would believe in justice and human rights.

28. In Dili, the members of the Commission of Inquiry met with Bishop Belo at his residence and heard his first hand account of the attack on the residence immediately after the announcement of the results of the popular consultation. Bishop Belo stressed that the perpetrators of human rights violations should be brought to justice, irrespective of whether they were East Timorese or Indonesians. During its visit to Dili, the International Commission witnessed the welcoming ceremony for Mr. Ramos Horta who visited the Commission.

29. The visit to East Timor included meetings with Mr. Sergio Vieira De Mello Special Representative of the Secretary–General for the United Nations Transitional Administration in East Timor (UNTAET). The Commission also met with Major General Peter Cosgrove, Commander of the International Force, East Timor (INTERFET). Senior military officers of INTERFET and staff and police officers of UNTAET briefed the Commission extensively.

30. The Commission also received information and briefings from representatives of ICRC, UNHCR, WHO, UNICEF and international and local NGOs.

1. Testimonies received from victims and witnesses in East Timor

31. The primary objective of the International Commission of Inquiry was fact-finding and gathering of information and it spent considerable time listening to testimonies provided by victims and witnesses, particularly those who had witnessed events directly. On some days, the Commission set out early in the morning to visit places outside Dili, where it interviewed victims and witnesses; returning to Dili, it continued to receive testimonies till late in the evening. As a result, in a period of nine days, it received detailed testimonies from more than 170 individuals. This is in addition to briefings and information provided by United Nations bodies and agencies, INTERFET and international and local NGOs. The International Commission of Inquiry while receiving testimonies was aware of the need for ensuring confidentiality.

32. The Commission gave special attention to receiving testimonies from women victims and also heard moving accounts from child victims.

33. After the first few days, the number of victims who wished to testify to the Commission became overwhelming. In Liquicia, Maliana and Suai and in Dili, the Commission was not able to interview all the persons who came to testify. It appears that, for the East Timorese, lodging complaints and seeking justice without fear was a new experience and their willingness to testify before the Commission was an expression of this new-found freedom. Victims and witnesses came to testify despite living amidst destruction and despite their lack of food and other basic needs. Most of them came on foot, since there was total lack of transport. Wherever the Commission visited, men, women and children warmly greeted it. The people of East Timor seemed to express a sense of joy despite the hardship and violence.

34. The members of the International Commission of Inquiry were confronted with testimonies surpassing their imagination.

35. The Commission interviewed a widow, whose husband had been killed. A young man came before the Commission who had been slashed in the abdomen and was still suffering from the injury. Several women who had gone through the trauma of rape and sexual abuse came to narrate their bitter experiences. Some of the raped women are now faced with unwanted pregnancies. The Commission met children who had witnessed the violence, including a six-year-old girl who lost her left eye during the shooting that took place at Bishop Belo's compound. These are just a few examples of the stories of human suffering that the Commission heard. It should be noted that suffering and a yearning for justice underlie the testimonies received by the Commission.

36. The following is a brief summary of testimonies received by the International Commission of Inquiry in various places in East Timor.

2. Liquicia

37. The evidence collected in Liquicia indicates that as early as February 1999, the militia had begun to intimidate people in the Territory. President Habibie's proposal in January 1999 for greater autonomy or independence for the Territory coincides with an increase in militia activity there.

38. Intimidation by the militia groups was often in the form of burning houses, destruction of property and beatings. The men fled to the hills and the women who remained behind were harassed and in some instances sexually abused.

39. An eyewitness described how on 17 March 1999, her father was stabbed and killed.

40. As a result of the increased activity of the militia, it appears that people began to seek refuge in towns. A witness stated that, in one instance, these internally displaced people were moved from Liquicia to Maubara.

41. In April, several hundred internally displaced people had sought refuge in the church in Liquicia. There is evidence that on 5 April a person was killed in the church and that militia and TNI were jointly responsible for this killing. On 6 April, according to an eyewitness account, militia and Indonesian army personnel went on a shooting spree at the church resulting in several deaths. A witness testified that he was engaged by TNI to remove 15 bodies from the site and dispose of them in the lake in Maubara. According to another witness employed as a nurse in a hospital in Dili, six injured persons were brought from Liquicia to the hospital. She described a young woman who had been stabbed in the back and neck. A man had his right ear cut off and had stab wounds at the back, arms and shoulder.

42. Following the shooting in the church the intimidation continued. The nurse also testified that she had been threatened and the window of her vehicle damaged. She stated that the police had taken no action against the militia. In the Liquicia church killings and in other cases of intimidation, no action seems to have been taken to arrest the perpetrators or end the intimidation.

43. Another witness testified that on 18 April she and her husband had been taken to a police station, where she had been made to strip and her husband had been beaten. She had been ordered at gun-point to give information regarding CNRT. The militia stole things from her house but her house was not burned.

44. A woman victim testified that she had been interrogated by the militia about her links with CNRT and had been forced to work for the militia. The incident happened on 30 April.

45. Another woman witness testified that on May 7, TNI took her husband away. He was dragged and stabbed. He later died.

46. The evidence gathered in Liquicia, including that regarding the killings in the church, indicate that the TNI had began engaging militias in the beginning of 1999 in a strategy to intimidate people to ensure their continued support for Indonesian rule in the Territory. The subsequent events indicate that this strategy was intensified after the 5 May agreement and the arrival of UNAMET to conduct the popular consultation.

3. Dili

47. According to a witness, on 17 April, four militia groups paraded in front of the Governor's office in Dili. Militia leaders and government officials were present. Speeches were made denouncing the CNRT leadership. The witness had observed 50 trucks brought by the militia. On the same day, she heard gunshots, and saw houses being burned. She also described police standing on the road as the militia marched along.

48. On the same day, according to one witness, people who had sought refuge in Manual Carrascalao's house were attacked by militia and members of TNI. This witness had accompanied the militia during the attack. Another witness testified that her husband, who had sought refuge in Manual Carrascalao's house, was killed on that day. Yet another witness testified that on 19 April, 11 bodies were brought in a truck and he was asked to bury them near Maubara lake. According to him these bodies were from the killing that took place in Manual Carrascalao's house.

49. A witness testified that, on 12 June, she was intimidated and raped in Dili by a militia member.

50. Another woman victim testified that on 25 August, some militia came to her cafeteria with weapons. They ate without paying. She was scared and closed the cafeteria. After the vote, militia threatened to rape her, but she escaped to the mountains.

51. After the announcement of the results of the popular consultation, people sought refuge in Bishop Belo's house out of fear. According to Bishop Belo, on 6 September, there were about 5,000 people on the premises. TNI soldiers and militia surrounded the compound. Bishop Belo had a meeting with a senior TNI officer. According to a witness, the TNI soldiers said that they were there to

protect the people from militia attack. The attack on the compound began after Bishop Belo was taken away. Eye–witness accounts indicate that TNI officers gave the order for and directed the attack. Two witnesses testified that they had seen three killings by stabbing. Another witness indicated that five persons were killed.

52. The International Commission met with a six year-old girl child who had lost her left eye as a result of being hit by a stray bullet when she was hiding with her mother at the Bishop's residence.

53. According to several witnesses, after the attack on the compound people were taken to the police station and later transported to West Timor.

54. On the same day, another witness, a staff member of Carter Center heard gunshots at the harbour and saw the Mobile Police with M16 weapons. This Witness' car was attacked and two other people were pulled from the car. He Saw them being beaten up by the militia.

55. A staff member of a human rights organization testified that on 5 September his office was attacked. He sought police assistance. The police offered to escort to safety only the foreigners in the office. Finally, everyone was moved to the police station. After that, militia entered the building and took away everything. The building was vandalized and burnt. This witness also stated that at the police station he saw a list displayed identifying pro- and ant- independence groups. His organisation was listed as pro-independence. The list confirmed the witness' view that the attack on its office was pre-planned.

56. According to a journalist who testified to the Commission of Inquiry, on 5 September an armed militia man terrorized the journalists staying at the Makota hotel. The TNI just stood watching. As a result of this intimidation, journalists and media persons left Dili.

57. On 6 September, at 1.30 p.m. militia and TNI attacked the ICRC compound where in excess of 2000 Internally Displaced People (IDPs) had taken refuge. Journalists filmed this attack, and the forced movement, before the police forcibly removed the journalists to the UNAMET compound. According to eyewitness reports, the IDPs were all searched. Those who were found to possess items, such as small flags indicating they were pro – independence were separated from the rest. The IDPs were taken for deportation to West Timor.

58. A witness stated that on 7 September he saw TNI looting in the Turismo Hotel. On 9 September, he witnessed the burning of houses in Dili.

59. On 30 August, at Bobo Leten polling station Mr. Joao Lopes, a local UNAMET staff member was stabbed in the back with a knife. The victim later died. An international staff member testified concerning the stabbing. Another international

staff member in whose house Joao Lopes died testified, concerning the efforts made to help the victim and his eventual death.

60. The International Commission of Inquiry received information from INTERFET and UNAMET Civilian Police (CIVPOL) that their investigation showed that militia killed a journalist from the Netherlands, Mr. Sander Thoenes, on 23 September. Mr. Thoenes was riding a pillion on a motorbike taxi when he and the driver, Florindo da Conceicao Araujo, were attacked.

61. The Commission received the testimony of a witness who had attended meetings with high-level Indonesian military and civilian officials in which plans were made to engage the militia in support of the pro-autonomy cause. The Commission also received documentary evidence regarding plans for the evacuation of people to West Timor in the event of the pro-independence proposal succeeding in the polls.

4. Los Palos

62. The Commission visited Los Palos on 27 November 1999. On arrival, it was informed by the Deputy Regional Commander of UN Civilian Police (CIVPOL) that he had recorded 14 murders and was in the process of identifying the sites of disposal of the bodies but was awaiting forensic assistance. He also stated that he had received information about the killing of 15 persons but for want of adequate staff he was unable to investigate all the crimes. According to him, ex-militia personnel were aware of some 40 – 50 other cases.

63. A former government official testified that at an official meeting on 5 May 1999 the question of use of funds allocated for welfare activity to meet the cost of securing support for autonomy had been discussed. It had been decided to spend 3.5 million rupia for the distribution of rice and other gifts to the people, with a view to manipulating the vote in favour of autonomy. The witness identified by name officials who were involved in taking that decision.

64. The next witness spoke about the killing of four persons in the TNI compound - Kodim 1629 Los Palos - at about 4.30 p.m. on 12 September 1999. He named the victims and the killers. He testified that next morning he saw blood in the garage of the TNI compound.

65. Another witness said that out of fear for his life he stayed in the TNI compound from 8 to 16 September 1999. He stated that after the United Nations forces left on 7 September 1999, the situation had rapidly deteriorated and there had been random shooting by the militia. People therefore took shelter in the TNI compound. During his stay in the TNI compound he had witnessed the TNI and the militia meeting together and planning the killing of people. He left for West Timor due to fear and returned on 23 October 1999.

66. A 16-year-old girl pointed to the place where her uncle had been killed in front of her. She had been spared. She said that while the women had been attacked they had not been killed.

67. A 22-year-old woman stated that, sometime in September 1999, the militia came and took away two women and gang-raped both of them. The witness identified by name militia members who were involved in the gang rape.

68. An 11-year-old girl spoke about the killing of her 13-year-old brother by the militia with a knife, while their mother had gone to Dili.

69. A former local government official testified that on 24 August 1999, in the sub district of Vikeke , the militia punched his people, hit two village leaders on the head and shot his secretary, but he did not die. The witness had not seen the actual assault by the militia but had taken the victims to the hospital in his vehicle for treatment. He stated that they had been assaulted because they were members of CNRT.

70. Another witness described how TNI and militia had killed his younger brother. On 9 September 1999, his brother had gone to a kiosk to buy cigarettes when six TNI men accosted and beat him and took him to the TNI compound. Later they dropped him at a crossroads, where he was picked up by the militia who arrived on motorcycles. They put him on a truck and thereafter the witness heard three shots when the truck was hardly 100 meters away. He named the TNI personnel involved in the incident. He suspects that his brother was killed because he was a CNRT activist.

71. The International Commission of Inquiry also received information about the investigations being carried out by INTERFET and CIVPOL into the killing of nine persons, including nuns and priests, on 25 September at Los Palos. INTERFET had detained five suspected perpetrators, who had confessed to their involvement in the killings on 25 September 1999. The Commission did not interview the suspects.

5. SUAI

72. A woman victim testified that on 16 September she was raped by a militiaman in a camp in Atambua. The victim stated that five other militias men had watched the incident. She also testified that she witnessed the rape of a nurse by militia men in the same camp.

73. A man testified that he had been working as a cleaner at a militia headquarters and had witnessed Indonesian army personnel issuing arms to members of the militia group.

74. A woman victim testified that she had been raped in a camp in West Timor. A militiaman had told other women that the victim's father supported independence. Another militiaman had threatened her with a knife and she had been forcibly taken out of the camp and raped.

Suai Church Massacre

75. The Commission visited the site of the massacre that took place at the Suai church on 6 September. At the time of the massacre, several hundred persons had sought refuge in the church. In the incident, three priests Father Dewanto, Father Francisco and Father Hilario were killed. Accounts of the militia and TNI removing the bodies of those killed in the church have now been corroborated with the exhumation in West Timor of 26 bodies alleged to be victims of the killings in Suai church. These bodies were recovered from Oeluli beach, Kobalima district, approximately three kilometers inside West Timor. The exhumations were undertaken at the direction of the Indonesian National Inquiry Commission on East Timor. The forensic expert who accompanied the International Commission of Inquiry examined the bodies and concluded that the remains were of 3 priests, 12 males, 8 females and 3 bodies of undetermined sex. One was a child, two in their teens, six in their teens to mid-20s, twelve were middle-aged and two elderly.

Eyewitness accounts of Suai church massacre

76. A woman witness stated that the women had been separated from the men and the men had been shot. She testified that militias were in the front and members of the TNI had stood behind them. She also testified that the victims of the killing included children.

77. The next witness stated that she had sought refuge in the church after the militia burned her house. At the church, she saw the militia and TNI throw grenades and then shoot the people who were trying to escape from the church.

78. Another witness testified that he was in the garage near the church when militia and TNI began shooting at the people in the church. He stated that the militia used machetes before shooting them.

79. A woman witness who had taken shelter at the church witnessed the shooting and killing. She testified that grenades were first thrown and when people began running they were shot or attacked with machete.

80. A witness testified to seeing the killing of two of the priests Fr. Hilario and Fr.

Francisco. According to him, Fr. Hilario was shot first and Fr. Francisco was slashed with a machete. He also stated that the church was set on fire and he himself suffered burns when trying to escape from the church. He had visible burn marks on his right ear and face.

81. Another witness testified that he hid in Fr. Hilario's room when the militia and TNI began shooting. He identified by name two militiamen who shot Fr. Hilario in the abdomen.

82. A woman witness testified that her brother was killed at the Suai church. She also testified that her younger sister was injured during the shooting. She and her daughters were taken to the military headquarters where militiamen sexually abused her daughter.

6. Cailaco and Maliana / Bobonaro District

83. The International Commission received testimonies regarding cases of threats and violence against the population before the ballot. The witnesses identified by name the militia groups, TNI units and also some individuals who were involved in these incidents. The Commission also received evidence that the TNI had recruited militia and issued weapons to them.

Incidents in Cailaco in April 1999

84. An eyewitness testified that on 12 April 1999, next to the TNI residence in Cailaco, people were forced to stand in a line by militia and TNI and then to kneel and pray. Then they were killed with automatic guns and pistols. The dead bodies were thrown on a truck and driven away. The witness identified the perpetrators by name. Twenty-two bodies were found later, 13 of them in one grave.

85. Another witness testified that during the days following these killings, people were intimidated. He also stated that on 14 April 1999, militia members killed two men.

Incidents in August 1999

86. A witness narrated the incident on 6 August 1999, when militia attacked the voter registration sites and the CNRT office in Maliana.

87. A witness testified regarding meetings held between TNI commanders and militia and village heads during which actions to be taken against pro-independence groups were planned. The planning included preparing a list of people who were suspected of being supporters of independence.

Incidents after the ballot in September 1999

88. On 8 September 1999, over 100 militia entered the police station in Maliana, where about 6,000 people had sought shelter against the attacks of the military and militia. The police station was entirely surrounded with concentric rings: militia, the Mobile Police Unit and TNI. The people inside the police station were first attacked with machetes. When they fell down, they were hacked into pieces. This was done in front of the people, who were forced to watch. The witness identified by name members of the militia and TNI who were responsible for this massacre.

89. Forty-seven dead bodies were found later in the river. A witness testified that he had transported four bodies to the river in a vehicle.

90. An eyewitness stated that on 29 September 1999, in Maliana, militiamen killed two men.

91. According to a witness, about 4,000 people from Cailaco left East Timor and were forced to go to West Timor in September 1999.

92. The Commission received testimony regarding two attempted cases of rape before the ballot in Cailaco.

7. Forcible movement of people

93. Following the announcement of the results of the popular consultation, a pre – planned evacuation of people to West Timor was undertaken by sea and by road. The International Commission received documents that indicated systematic planning by TNI for forced deportation and displacement of people. Eye–witness accounts and reports from humanitarian agencies and journalists indicate that people were forcibly moved. About 200,000 people were moved from East Timor to West Timor and other parts of Indonesia. By the end of November, approximately 110,512 people had returned. About 110,000 people are still in West Timor.

94. A witness stated that she had been forced to go to West Timor and that, in West Timor, the militia had kidnapped two of her daughters.

95. Another witness gave evidence that he had been forced to go to West Timor by TNI and militia. Another witness stated that he had been among about 4000 people who had been gathered to be taken to West Timor.

96. The information provided by UNHCR supports testimonies given by individual witnesses.

97. There are reports of militia continuing their violent activities in the camps in West Timor. A witness testified that he had been forced to leave for Atambua in West Timor and that militia who had fled from East Timor who were there had attacked him. He had been arrested by TNI and handed over to militia, who had stabbed him. He showed his wounds from the attack. According to him his intestine had been pulled out. He had large scar on his stomach and on his left shoulder.

8. Forensic investigation

98. During its visit to East Timor, the International Commission benefited from the presence of a forensic anthropologist, who accompanied the mission and provided a report regarding investigations into deaths. Based on the investigations conducted by INTERFET, the expert provided the following statistics:

- 165 deaths reported,
- 180 bodies recovered (plus 11 surface skeletons),
- 171 remains examined 171, and
- 77 individuals tentatively identified.

99. In his report to the Commission, the expert stated that,

> "Death reports are now coming in fits and starts. Frequently while investigators are in an area checking on a reported case, new previously unreported cases come to light. The overall majority of graves continue to involve single individuals. This author shares the impression of the previous forensic consultant that unless large mass graves are discovered, the present trend of reports representing single occupant graves with a scattering of graves containing small numbers of individuals will continue. At this date there has been no confirmation of the allegations that large numbers of bodies are disposed of in the sea.
>
> Logistical challenges presented in East Timor are significantly different from those of the former Yugoslavia and Rwanda where large mass graves are conducive to utilizing fixed exhumation teams and permanent examination facilities, often conveniently located side by side. Widely distributed single occupant or small graves require either that remains are transported to a central location, or that examinations are conducted in the area of the gravesite."

100. The Commission endorses the recommendations made by the expert. These are:

- To establish a permanent facility with space for body storage, evidence storage and space for a fixed photography station and evidence processing; in addition an outside area for pressure washing of clothing and space for cleaning of skeletal material; finally, office space for data entry and completion of autopsy reports.

- To establish a mobile autopsy capacity to perform post- mortem examinations outside Dili;

- To establish the identity of the dead and to ensure that part of the post-mortem procedure would be to obtain bone or tooth samples from remains and blood samples of putative relatives for future DNA identifications;

- To establish procedures for dealing with survivors. A clear-cut policy should be established for official custody of remains, their return to families and the support families can expect during this process. Those involved in interviewing survivors should be trained in supportive and sensitive techniques for doing so.

101. The expert also identified the need for ensuring coordination between the UNTAET Human Rights Unit and CIVPOL regarding the conduct of forensic and other investigations.

9. Health and education situation

102. The physical destruction has had an effect on the health and education services. Health service provision has been completely disrupted because of the destruction of buildings and movement of the population since the popular consultation. More than 70 per cent of health services have been disrupted. Even where the buildings have not been destroyed, equipment, drugs and files were looted. Large numbers of health professionals were Indonesians and their departure has affected the delivery of health services. Malaria and TB control programmes have completely collapsed. Vaccination programmes for polio and measles have to be restarted.

103. Most school buildings have been destroyed. The education system is in a state of complete paralysis. Prior to the popular consultation, most teachers were non-East Timorese and they left the territory after the announcement of the results. The scarcity of trained teachers is a major problem. Those students who were studying at universities in Indonesia were forced to discontinue to their

studies for security reasons. A large number of young men and women are in a situation where they may not able to finish their higher education.

10. Documentary and other evidence

104. The International Commission, in addition to collecting first- hand witness statements, reviewed reports and documents made available by UNMET and UNTAET and international and national NGOs. The Commission also took note of the joint report and recommendations of the Special Rapporteur on extrajudicial, summary and arbitrary executions, the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women. In addition, the Indonesian National Commission of Inquiry on East Timor shared with the International Commission its initial findings on the situation of displaced people in West Timor.

105. The International Commission by a letter of 29 November 1999, requested the Government of Australia to provide it with any information it might have relating to the matters within the mandate of the Commission. The Government of Australia responded positively to that request and the Commission appreciates the Australian Government's cooperation.

106. The testimonies, documents, reports and other material received by the International Commission of Inquiry as part of its mandate have been deposited with the Secretary-General for future use.

C. Visit to Jakarta

107. The Commission visited Jakarta from 5 to 8 December 1999.

108. On 15 November 1999 the Chairperson of the International Commission of Inquiry wrote to the Indonesian Mission in Geneva requesting authorization for it to visit Jakarta and West Timor. On 19 November, the Commission also made a oral request when it met with the Ambassador Susanto Sutoyo, Deputy Permanent Representative of Indonesia to the United Nations in Geneva. Authorization for the visit was received only on the night of 2 December 1999. Therefore the Commission was not able to undertake a visit to West Timor from Dili as originally planned. The International Commission had planned to visit West Timor with the help of international agencies to obtain first – hand information on the situation of displaced people in West Timor. The letter sent by the Indonesian Mission in Geneva dated 2 December 1999 authorizing the visit stated the following:

" I have the honour to convey the agreement of the Government of Indonesia for the visit of the International Commission of Inquiry to Indonesia with the following understanding:

"The agreement [for the visit] of the Indonesian Government was based on its continued commitment to cooperate with the United Nations Commission on Human Rights, and not on the resolution of the Fourth Special Session of the Commission and the decision of the ECOSOC.

The purpose of the visit is not to conduct a fact-finding or any investigation, but for dialogue and an exchange of views with officials of the Government of Indonesia and to cooperate with the National Commission on Human Rights in addressing the allegations of human rights violations in East Timor.

While the Indonesian Government has agreed for the visit to take place, it maintains its position that in view of the fact that the Indonesian National Commission on Human Rights has established a National Commission of Inquiry with the task of conducting an investigation on alleged human rights violations in East Timor, the establishment of an International Commission of Inquiry is unnecessary.

The details of the provisional programme of the visit should be finalised between the International Commission and the Government of Indonesia in Jakarta".

109. During its visit to Jakarta in addition to meetings with the Indonesian Human Rights Commission and its National Commission of Inquiry on East Timor, the members met with Mr. Juwono Sudarsono, Minister of Defence, Mr. Alwi Shihab, and Minister for Foreign Affairs and Mr. Marzuki Darusman, Attorney General. The members also had an opportunity to meet with NGO representatives.

1. Cooperation with the Indonesian National Commission of Inquiry

110. On the basis of Commission on Human Rights resolution the International Commission of Inquiry made efforts to establish close cooperation with the Indonesian National Commission of Inquiry on East Timor, inviting that Commission to send representatives to Geneva to meet with members of the International Commission prior to their departure to the region, or failing that, to meet with them in Darwin. Consequently, Mr. Albert Hasibuan and Mr. Asmara Nababan of the Indonesian National Commission of Inquiry on East Timor came to Darwin to meet with the members of the International Commission.

111. The dialogue that began in Darwin was continued in Jakarta where the

two Commissions met together twice and had extensive discussions. The discussions focused on the question of ensuring justice and reconciliation. among other issues, the members of the International Commission sought clarification from the Indonesian National Commission regarding the nature and scope of an Indonesian human rights court to be established under the Presidential Decree issued by the previous government.

112. The members of the International Commission discussed the Presidential Decree and pointed out several deficiencies in it, the principal one being that it was prospective in character and applied only to violations committed after it came into effect on 8 October 1999. For human rights violations committed before that date, the existing criminal law would apply. The Indonesian National Commission conceded that the Decree would not cover human rights violations committed in East Timor and stated that the Government was preparing a new law for establishing a human rights court. The International Commission also pointed out that the right to claim compensation was virtually illusory since it would be difficult for East Timorese to come to Indonesia to make their claims.

113. The Indonesian National Commission and the Attorney-General acknowledged the concerns expressed by the International Commission and described a new law that was under preparation. The International Commission was not able to comment on the specifics of the law since the text was not available. Based on the description given by the National Commission, it was not clear that the new law would cover the violations committed in East Timor. The International Commission of Inquiry expressed the view that the new law as described was beset with problems and if enacted would not be efficacious. Since most violations took place in East Timor, the Government of Indonesia would not be in a position to investigate them. Moreover, witnesses fearing victimization would be reluctant to travel to Indonesia to testify in a court there, whatever its composition. In addition, there could be a host of logistic, as well as jurisdictional issues that might not only make trials protracted but also result in miscarriages of justice. The Indonesian Commission and the Attorney General conceded the complexity of the legal problems but hoped that the new statute would address them to ensure justice to the East Timorese people.

114. The Indonesian Commission requested that it be allowed access to evidence, including witness testimonies, gathered by the International Commission. The International Commission responded by stating that it would submit its report including the evidence gathered to the Secretary–General and it would be for him to share the evidence, through a credible process that took account of the need to protect the witnesses.

115. The International Commission pointed out that further systematic investigation should be conducted to collect evidence that could be used for ensuring justice and accountability.

116. The International Commission of Inquiry appreciates having been able to establish close cooperation with the Indonesian National Commission of Inquiry on East Timor. The International Commission of Inquiry benefited from the information and insight shared with it by the Indonesian National Commission. The preliminary findings made by the Indonesian National Commission regarding the involvement of some elements of the TNI in the violations of human rights committed in East Timor are similar to the findings made by the International Commission of Inquiry.

2. Meetings with the Minister of Defence, the Minister for Foreign Affairs and the Attorney General

117. The members of the International Commission of Inquiry held separate discussions with the Minister of Defence, the Minister for Foreign Affairs and the Attorney General. It emerged from these discussions that the government acknowledged that some elements of the militia and the army were responsible for the abuses committed in East Timor. They expressed the view that the violence was mainly a question of conflict between East Timorese. The Indonesian intervention in East Timor in 1975 was also explained as having been an intervention to deal with conflict between those East Timorese supporting independence and those supporting integration with Indonesia. The popular consultation process was perceived by the Indonesian authorities as biased in favour of independence groups. A number of complaints to that effect had been made to UNAMET by pro-autonomy groups without any results. The violence that had erupted after the announcement of the results of the ballot was a result of that perceived bias and of anger at losing the vote. The longstanding and close relations between some elements of the army and the militia made it difficult for the army to control the militias, including in West Timor.

118. In these meetings, the International Commission of Inquiry discussed the modalities for ensuring justice for East Timorese victims. Among the ideas that emerged from these meetings was the establishment of a United Nations sponsored truth and reconciliation commission, based on the South African model, with possibilities for both pardon and indictment. The International Commission of Inquiry pointed out the difficulties involved in an Indonesian agency investigating and an Indonesian court trying cases of violations committed in East Timor. The points raised were acknowledged by the Indonesian authorities to be genuine difficulties. The establishment of a commission for ensuring justice for East Timorese victims that would include persons appointed by the United Nations and the participation of East Timorese and Indonesian personalities, was discussed.

119. The International Commission of Inquiry also received reports and

documents from the Indonesian authorities setting out the government's position, and providing information on its investigations of events in East Timor following the popular consultation.

IV. CONCLUSIONS

120. The International Commission of Inquiry, in preparing its conclusions for submission to the Secretary–General, has carefully considered the testimony of witnesses, the reports of experts, information provided by the United Nations in East Timor and INTERFET, reports of other organizations and its own observations in East Timor. It has also carefully considered the information and views provided by the Government of Indonesia, and the Indonesian Commission of Inquiry.

121. Due to the limitations, including time constraint encountered by the International Commission, its fact finding mission should be regarded as a starting point in the process of bringing those responsible for violations of human rights and international humanitarian law to justice.

122. The evidence gathered has led the Commission to a number of conclusions about the pattern of human rights violations in East Timor since January 1999 and those responsible for those violations. On the basis of those conclusions and in the light of the specific circumstances of the violations of human rights and breaches of humanitarian law in East Timor, the Commission has agreed on a number of recommendations.

A. Patterns of human rights violations and breaches of humanitarian law

123. The International Commission of Inquiry has concluded that there were patterns of gross violations of human rights and breaches of humanitarian law which varied over time and took the form of systematic and widespread intimidation, humiliation and terror, destruction of property, violence against women and displacement of people. Patterns were also found relating to the destruction of evidence and the involvement of the Indonesian Army (TNI) and the militias in the violations. More specifically, the International Commission would like to emphasise the following:

1. Intimidation and terror

124. The evidence gathered shows that intimidation and terror were

systematically used to prevent the people from freely exercising their political choice. Before the popular consultation ballot, intimidation and terror were primarily aimed at pro-independence groups and individuals. In the post- ballot period and after the announcement of the results, the attacks were widespread and took the form of vengeance.

2. Killings and massacre

125. There is evidence of threats of violence against persons and actual violence resulting in injuries and deaths in large numbers. The killings were often brutal and gruesome. In some instances, massacres took place in sites where people had sought refuge.

3. Gender Violence

126. Because the men fled to the mountains, the women were targeted for sexual assault in a cruel and systematic way.

127. There is evidence of actual sexual abuse and rape of women. While in general, the militia refrained from killing women, they were subjected to humiliation and different forms of harassment that includes, stripping and sexual slavery. Women and children were also victims of force displacement into exile.

4. International staff and journalists

128. Local and international staff of UNAMET, other humanitarian agencies, NGOs and journalists were also targeted by the militia and TNI. After the announcement of the results of the consultation, this resulted in the evacuation of local and international staff of UNAMET and other agencies, as well as journalists and others. This seemed to be in order to prevent them from witnessing acts of violence and destruction of property that took place subsequently.

5. Destruction of property

129. The acts of violence by militia and TNI included, burning down of houses and office buildings of pro-independence groups. The evidence gathered shows that before the popular consultation ballot, destruction of property was selective and not widespread, involving properties of specific individuals known for their support for pro-independence.

130. After the announcement of the results, the destruction was widespread and systematic in towns and cities. The Commission saw for itself the extent of damage in Dili and all the other sites it visited. The damage to private and public property ranges from 60 to 80 per cent in the whole country. Even more serious is the fact that most hospitals and health centres have been destroyed, as well as school buildings. The destruction includes damage to public utilities, such as water and power. The widespread and systematic nature of the destruction indicates that it was planned and co-ordinated.

6. Displacement of people

131. Evidence gathered shows that before the popular consultation ballot, intimidation and terror resulted in internal displacement of people. People sought refuge in churches and other safe areas, including fleeing to the mountains. Intimidation of the internally displaced included killings in places of refuge, denial of access to humanitarian agencies and, in some instances, denial of necessities such as water. The intimidation was aimed at dispersing people from their places of refuge.

132. After the announcement of the results of the popular consultation, thousands of people were forcibly assembled and moved to West Timor. The evidence shows that people were moved by sea and by road. The movement and evacuation of people would not have been possible without prior planning and a systematic execution of the plan.

133. Evidence gathered from people who have returned from West Timor shows that the people in the camps in West Timor have been subjected to intimidation and terror. The Commission also received reports of the abduction of children from camps. There is evidence of intimidation by militia to prevent those who want to return to East Timor from doing so. Due to all this, it was thus extremely frustrating for the Commission not to have been able to visit West Timor as it had requested from the beginning.

7. Destruction of Evidence

134. The information gathered by the Commission shows that there was a systematic attempt to destroy evidence, including removal of bodies from the site of killings. The removal of dead bodies to West Timor from the massacre site in Suai church is a clear indication of the extent of efforts to conceal evidence. The Commission was in Dili when bodies of victims of the Suai massacre were brought back from West Timor after having been exhumed there by the Indonesian National Commission of Inquiry. There are possibilities that more bodies will be found on a day to day basis.

8. Indonesian army and militia involvement

135. Evidence gathered shows that militia groups were responsible for the intimidation and terror experienced by the people of East Timor before and after the popular consultation.

136. The evidence further shows that the number of militia groups and their activities increased from January 1999. There is also evidence that the Indonesian Army and the civilian authorities in East Timor and some in Jakarta pursued a policy of engaging the militia to influence the outcome of the popular consultation. The approach pursued was to provide the impression that the East Timorese were fighting among themselves.

137. There is evidence that the policy of engaging militias was implemented by the Kopassus (Special Forces Command of TNI) and other intelligence agencies of the Indonesian army. The policy manifested itself in the form of active recruitment, funding, arming and guidance and of the provision of logistics to support the militias in intimidation and terror attacks.

138. There is evidence to show that, in certain cases, Indonesian army personnel, in addition to directing the militias, were directly involved in intimidation and terror attacks. The intimidation, terror, destruction of property, displacement and evacuation of people would not have been possible without the active involvement of the Indonesian army, and the knowledge and approval of the top military command.

139. The Indonesian police, who were responsible for security under the 5 May agreement, appear to have been involved in acts of intimidation and terror and in other cases to have been inactive in preventing such acts.

140. The Commission is of the view that ultimately the Indonesian army was responsible for the intimidation, terror, killings and other acts of violence experienced by the people of East Timor before and after the popular consultation. Further, the evidence collected to date indicates that particular individuals were directly involved in violations of human rights.

141. The Commission received allegations that armed groups supporting independence were also involved in violent attacks during the period from January 1999. The incidents were relatively fewer in number and confirmation of their existence has not been obtained.

9. Human rights and international humanitarian law violations

142. There is no doubt that the evidence gathered clearly demonstrates a

pattern of serious violations of fundamental human rights and humanitarian law in East Timor. The violations include, but are not limited to, violations of the rights to life and to freedom from torture, cruel, inhuman or degrading treatment or punishment, violence against women, and violations of rights relating to freedom of assembly, association, opinion and expression, freedom from arbitrary arrest and exile, and freedom of movement and residence, and the right to own property. In addition, and particularly after the proclamation of the results of the consultation, further human rights were violated through the large- scale destruction, including the right to work, the right to an adequate standard of living, including food, clothing, housing and medical care, and the right to education.

B. Recommendations

1. Rapid return of displaced persons

143. The Commission of Inquiry is deeply concerned about those individuals and families who were displaced from East Timor to other parts of Indonesia after the announcement of the results of the consultation and who are being retained against their will in camps without adequate contact with UNHCR or ICRC and who wish to return to their homes in dignity and safety. The Commission calls for the rapid resolution of this problem.

2. Disarming of militias

144. The Commission of Inquiry calls for the disarming of the militias in West Timor as an important step towards enabling the East Timorese to return home safely. The Commission also calls for the demobilization of all non-regular forces in East Timor that are still under arms.

3. Investigation, prosecution and reparations

145. During its time in East Timor, the International Commission became acutely aware of the suffering of the people of East Timor by reason of the violations of human rights which had taken place. It also noted that most of the East Timorese who addressed themselves to the Commission did not call for revenge or retribution, but sought justice, recognition of their rights and reconciliation.

146. The Commission believes it has a special responsibility to speak out on behalf of the victims who may not have easy access to international forums. They must not be forgotten in the rush of events to redefine relations in the region, and their basic human rights to justice, compensation and the truth must be fully

respected. This is a responsibility which the United Nations must shoulder both in the short and long terms, in particular in its trusteeship relation with the people of East Timor as it administers the territory towards independence.

4. Special United Nations responsibility

147. The actions violating human rights and international humanitarian law in East Timor were directed against a decision of the United Nations Security Council acting under Chapter VII of the Charter and were contrary to agreements reached by Indonesia with the United Nations to carry out that Security Council decision. Under Article 25 of the Charter, Member States agree to accept and carry out the decisions of the Security Council. The organized opposition in East Timor to the Security Council decision requires specific international attention and response. The United Nations, as an organization, has a vested interest in participating in the entire process of investigation, establishing responsibility and punishing those responsible and in promoting reconciliation. Effectively dealing with this issue will be important for ensuring that future Security Council decisions are respected.

5. A human rights approach to future investigations

148. Future action with regard to the violations of human rights in East Timor should be governed by the following human rights principles: the individual's right to have an effective remedy for violations of human rights, which includes the State's responsibility to investigate violations, prosecute criminally and punish those responsible[4]; the individual's right to reparation and compensation for violations of human rights from the State responsible for the violations[5]; the need to act against impunity in order to discourage future violations of basic human rights.

149. The Commission of Inquiry concludes that, for the reasons set out above, the investigations into the violations and those responsible must be continued. This is especially important because new information and testimonies are daily becoming available with the return of people to East Timor.

150. In order to enable ongoing investigations to be continued and to avoid loss

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[4] See, Human Rights Committee, Views of 13 November 1995, Communication No. 563/1993 (Colombia) (CCPR/C/55/D/563/1993, para. 8(6)).

[5] See Basic Principles and Guidelines on the Right to Reparation for Victims of Gross Violations of Human Rights and Humanitarian Law (E/CN.4/Sub.2/1996/17 annex).

of evidence while the international investigation recommended below is being set up, full support should be given to the investigations being carried out by UNTAET. UNTAET should receive the forensic and investigative assistance it has requested, as well as the assistance required to set up rapidly a functioning judicial system in East Timor. The collaboration established between the United Nations and the Indonesian National Commission of Inquiry should also be pursued and support should be given to that Commission's investigations in Indonesia of violations committed in East Timor, and particularly for those reportedly still taking place in West Timor.

151. In considering how the future investigations of human rights and international humanitarian law violations could be organized and how those responsible could be punished and reparations made to the victims, the International Commission of Inquiry considered a number of specific suggestions. Some proposals were for an international criminal tribunal and others referred to experiences in other countries with truth and reconciliation commissions. In light of the above considerations and in order to respond to the violations of human rights in East Timor and to respond to the rights of the victims, the International Commission of Inquiry recommends the following;

6. International independent investigation and prosecution body

152. The United Nations should establish an independent and international body charged with:

- Conducting further systematic investigations of the human rights violations and violations of international humanitarian law in East Timor during the period from January 1999;
- Identifying the persons responsible for those violations, including those with command responsibilities;
- Ensuring reparations for the violations from those responsible;
- Prosecuting those guilty of serious human rights violations within the framework of its function to ensure justice; and
- Considering the issues of truth and reconciliation.

7. International human rights tribunal

153. The United Nations should establish an international human rights tribunal consisting of judges appointed by the United Nations, preferably with the participation of members from East Timor and Indonesia. The tribunal would sit in Indonesia, East Timor and any other relevant territory to receive the

complaints and to try and sentence those accused by the independent investigation body of serious violations of fundamental human rights and international humanitarian law which took place in East Timor since January 1999 regardless of the nationality of the individual or where that person was when the violations were committed

154. The International Commission of Inquiry makes these proposals to enable the Secretary General to recommend establishment of an appropriate mechanism taking into account various bodies that have been established previously for ensuring justice and reconciliation.

155. It is fundamental for the future social and political stability of East Timor, that the truth be established and those responsible for the crimes committed be brought to justice. Every effort has to be made to provide adequate reparation to the victims for only then can true reconciliation take place.

156. The International Commission of Inquiry wishes to express its appreciation to all those who assisted in its work and particularly the staff of UNAMET / UNTAET and INTERFET for the support provided in East Timor.

Annex

RULES OF PROCEDURE

Adopted by the Commission

Rule 1 Mandate

The Commission shall examine and analyze the information submitted by States, international humanitarian organizations, or other persons or bodies pursuant to resolution 1999/S-4/1 as well as such further information as the Commission may obtain through its own investigations or efforts, with a view to providing the Secretary-General with its conclusions on the evidence on possible violations of human rights and/or acts which may constitute breaches of international humanitarian law committed in East Timor.

Rule 2 Meetings and quorum

1. The Commission shall hold its meetings in private but may open them to the public as and when it deems is necessary for the enhancement of the effectiveness of its work.

2. The Commission shall meet at such times as it may designate; meetings may otherwise be called by the Chairperson.

3. The Chairperson may declare a meeting open when at least a majority of the members of the Commission are present. The presence of a majority of the members shall be required for any decision to be taken.

Rule 3 Restraint in the disclosure of information

Members of the Commission shall exercise restraint in disclosing information. They shall refrain from taking a stand in public or any confidential question under discussion in the Commission. The Chairperson will make information on the work of the Commission available to the extent she deems it appropriate.

Rule 4 Power of the Chairperson

The Chairperson shall declare the opening and closing of each meeting of the Commission and, at such meetings, shall direct the discussions, accord the right to speak, put questions to the vote, announce decisions, rule on points of order and have complete control of the proceedings.

Rule 5 Secretariat

The Secretary of the Commission shall be responsible for making all arrangements connected with the work of the Commission including arrangements for the meetings of the Commission. He shall distribute documents and materials to the members of the Commission as requested by the Commission, its Chairperson or any member thereof, and shall be responsible for the preparation of the records of the meetings of the Commission.

Rule 6 Records

1. The Commission will be provided with records of its meetings in English.

2. The Commission will arrange for the safekeeping and conservation of its records and files. After the conclusion of its work, the Commission will transmit its records and files to the Secretary-General of the United Nations.

Rule 7 Participation of States, international humanitarian organizations, or other persons or bodies

The Commission may invite States, international humanitarian organizations, or other persons or bodies to participate in its discussions, when the Commission deems it necessary for the enhancement of the effectiveness of its work.

Rule 8 Investigations

1. The Commission may hear witnesses or experts, on its own initiative or upon proposal by States, international humanitarian organizations, or other persons or bodies. In such cases, the Commission shall determine the modalities for summoning witnesses and experts.

2. The Commission may authorize one or more of its members to hear any witness or witnesses.

3. The Commission may decide to visit the territory of East Timor or any other State, upon invitation or on its own initiative with the consent of any such State. Visits may be carried out by the Commission in its entirety, by one or more of its members, or by staff of the Commission, as decided by the Commission.

Rule 9 **Decisions**

The Commission will make every effort to take its decisions by consensus. In the absence of consensus, decisions of the Commission will be taken by a majority of the members present and voting.

Rule 10 **Reports**

1. The Commission may designate a rapporteur for any question of a general or specific nature.

2. The Commission shall report its conclusions to the Secretary-General in accordance with resolution 1999/S-4/1 of the Commission on Human Rights.

3. Members of the Commission who wish to make a separate statement may have such a statement appended to the report.

Rule 11 **Other procedural matters**

Any procedural matters arising at a meeting which are not covered by these rules shall be dealt with by the Commission.